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A HANDBOOK

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TO

POLITICAL QUESTIONS OF THE DAY,

AND THE ARGUMENTS ON EITHER SIDE,

WITH AN INTRODUCTION,

By SYDNEY BUXTON, M.P.,

AUTHOR OF "FINANCE AND POLITICS, AN HISTORICAL STUDY," ETC.

SEVENTH EDITION.

REVISED AND WITH NEW SUBJECTS.

LONDON :
JOHN MURRAY, ALBEMARLE STREET.
1888.

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LONDON :
BRADBURY, AGNEW, & CO., PRINTERS, WHITEFRIARS

PREFACE.

IN 1866, my father—Charles Buxton, M.P.—published a small book, entitled “Ideas of the Day on Policy,” the aim of which was to show what were the actual principles at that time swaying public opinion on the more important questions of the day.

That this book has been of use to many, by way of reference and help to the better understanding of political questions, I have often been assured; and it seemed to me, that, without infringing on the plan of the “Ideas,” there was room for a handbook on somewhat similar lines, which might be not altogether useless. Instead of the arguments being reduced to ideas, the arguments themselves, which govern each question, might be placed side by side, with the view of clearing the ground, and with the hope that some student of politics might be the better able to accept the true and reject the false, and so arrive at just conclusions.

In carrying out this intention, my plan has been to give the main and real arguments advanced on each side of

the chief questions of domestic Policy. Each argument is capable of illustration, and in different minds they branch out into varying forms ; but my endeavour has been to sketch the central stem only, from which all these various forms proceed. Where I have thought it advantageous, I have prefixed a short paragraph explanatory of the subject discussed, bringing it up to date.

No doubt many important arguments are overlooked, but in some cases an argument, supposed by the critic to have been omitted, may be really contained in one of those set out. I have endeavoured to be perfectly impartial, and to give every genuine argument which has been advanced on either side of each question ; it is probable, however, that I have fallen short of entire impartiality.

It will be seen that occasionally arguments used by some are cheek by jowl with those used by antagonistic others, and yet they are equally advanced to prove the same point. This is unavoidable, so long as men with different aims and views attack or defend the same citadel from opposite quarters.

During the fourteen years which have elapsed since the “ Ideas of the Day ” was published, many of the questions then prominent have sunk into the obscurity of realisation ; while a large number of questions, then either not hatched, or thought to be too callow for notice, now strut full-

fledged before the view. Again, some subjects there discussed have remained stationary, while others have advanced a few, or many stages, on the road to accomplishment.

It may be of interest to tabulate the questions under these four heads; and we find that amongst the subjects dealt with in the "*ideas*" and since decided,* are, Church Rates, Irish Church, Irish Land (partially), University Tests, Revision of the Bible, Final Court of (Clerical) Appeal, National Education (in one aspect), Reform and Redistribution (from the aspects then considered), Ballot, Limited Liability, Strikes, Game Laws (partially), Charitable Trusts, Purchase, Competitive Examinations, etc. Of subjects not there discussed, but now before the public, are, Burials Bill, Education (in certain aspects), County Franchise (with its attendant Redistribution), Women's Suffrage, Registration of Land Titles, Distress, Tenant Right, Local Taxation, Local Self-government, Local Option, Gothenburg System, Sunday Closing of Public-houses, Sunday Opening of Museums, Reciprocity, Irish Land Questions (in their present aspect), etc. Of subjects there discussed, but which have made but little advance, may be quoted, the Representation of Minorities, the Permissive Bill, Marriage with Deceased Wife's Sister,

* Written in 1880; see Preface to present Edition for the changes of the last eight years.

Abolition of Capital Punishment, and Bankruptcy—this last, however, through no want of attempted amendment; among those which have advanced in popularity, but are not yet accepted, are, Disestablishment, Home Rule, Reform of the Laws relating to Intestacy and Entail, and Abolition of Flogging in the Services; while Redistribution of Seats has to be reconsidered from a fresh point of view.

I have confined myself to questions of Home Policy; of these some more or less important have been perforce omitted, and the book in no way pretends to be complete.

I am much indebted to friends for advice and assistance.

SYDNEY BUXTON.

7, GROSVENOR CRESCENT,
June, 1880.

PREFACE TO SEVENTH EDITION.

THE kind favour with which the “Handbook” has been received has enabled me from time to time to enlarge and to improve it. Each successive edition has contained more or less of fresh matter ; new subjects have been added, the different sections have been revised, enlarged, and brought up to date, and in some cases entirely re-written ; while sections on subjects that have become obsolete have been omitted.

The sixth edition has now been out of print for about a year, but pressure of other literary work prevented me from earlier undertaking a new edition, which of necessity involved a considerable amount of revision and re-writing. To this, the seventh edition, three new subjects have been added, namely, *Manhood Suffrage*, *Payment of Members*, and *The “Official” Expenses of Elections*. The section on *Home Rule* has been entirely re-written—the last edition appeared before the question of Home Rule had been reduced to the concrete ; and had been elevated from being the battle-cry of a faction to the policy of a party. The sections on *Leasehold Enfranchisement*, *Free Schools*, *Reciprocity*, and

Intoxicating Liquor Laws—the last with a special view to the question of *Compensation*—have been to a very large extent re-written; while all the other sections have been carefully revised and new arguments have been added. In the case of the three subjects, *London Government*, *Rural Local Self-Government*, and *Procedure of the House of Commons*, the arguments on either side have been omitted as no longer required; but the historical summaries, as possibly of some value to the political student, are still included, and have been brought up to date.

To this edition I have also added, as an *Introduction* to the book, a few words on Party Government.*

In the preface to the first edition, I referred to the rapid changes which take place in social politics, and in those to subsequent editions (especially the fourth) I noted the questions which in the intervals had either been settled and therefore no longer required treatment, or had come into prominence and therefore required notice.

As a sort of political chronology,—as a record of eight years of legislation, and of the growth of public opinion,—it may be of interest briefly to summarise the changes which have occurred in prominent political questions since this book was first published in June, 1880.

The question of Parliamentary Reform,—along with that of the Irish Franchise at one time requiring separate

* This Introduction has been already prefixed, in a somewhat different form, to the editions of the *Political Manual*.

treatment—and of Redistribution of Seats, have been dealt with on the broadest and most liberal basis. A very considerable initial step has been taken in the reform of London Government, and in that of the Self-Government of the Counties in England and Wales ; while the incidence of taxation for local purposes has been made more just, and the Imperial grants in aid of rates have been judiciously diminished. A revolutionary change has been made in the Irish Land Laws ;* and further facilities for the purchase of their holdings have been given to the Irish tenant. The questions of the Burials Law, the (Ground) Game Laws, Flogging, and English Tenant Right have been settled. The advantage of compulsory education has ceased to be an open question. No one now doubts that the Ballot will be made permanent. The laws of Distress and of Entail have been largely modified ; the question of Allotments has been partially dealt with. The procedure of the House of Commons has been radically altered ; the system of Grand Committees has been adopted.

The questions of Free Schools, of the Reform of the House of Lords, of the Exclusion of the Bishops from the Upper House, and of Manhood Suffrage, have come within the range of practical politics. “Local Option” has made a

* In the first edition, the Irish Land subjects discussed comprised “Fixity of Tenure,” “Ulster Tenant Right,” “Expropriation of Landlords,” “Tenant Right of Purchase ;” these, in the third edition, gave place to “The Three F.’s,” the discussion of which was itself rendered unnecessary in subsequent editions by the passing of the Irish Land Act of 1881.

great advance in public favour since the abandonment of the Permissive Bill. Indeed, if it had not been for the difficulties arising in connection with the question of "Compensation," the representative local authorities in England and Wales would now be about to have placed in their hands the administration of the Liquor Laws ; together with the power of deciding on the question of closing public-houses on Sunday. Little, on the other hand, has of late been heard of the "Gothenburg System." The Law of Intestacy, and the "Laws of Entail," have now but few defenders ; while the advantage of the Compulsory Registration of Title is generally conceded. The question of the Enfranchisement of Leaseholds is received with much favour ; and, by many, it is desired further to extend the system of Allotments. According as times appear prosperous or the reverse, the question of "Reciprocity" asserts itself or retires into the background. Questions connected with the incidence of Taxation are coming to the fore. Whether Members of Parliament should be paid, and whether the burden of the Returning Officers' charges should not be transferred from their shoulders to that of the State, are questions that are being mooted. Home Rule, it need hardly be said, has made the greatest strides of all, and is the burning question of the hour ; while with it is intimately connected that of Irish Local Self-Government.

The questions of Canvassing (except that paid canvassing

is now practically prohibited), of Disfranchiseinent, of Capital Punishment, of Marriage with Deceased Wife's Sister, of Sunday Opening of Museums, and of Cremation, stand about where they did in 1880; that of Women's Suffrage has probably somewhat advanced, and that of Minority Voting somewhat receded, in public favour. It is, perhaps, difficult to say how the question of Disestablishment now stands. During the election of 1885 it was, perhaps, the most prominent topic of discussion, and to a large extent the election turned upon it. But in 1886 it was completely overshadowed by the question of Home Rule, and from this obscurity it has not as yet emerged.

This record of public questions is confined to those dealt with in the Handbook, from which of necessity many subjects have been omitted: some, because I felt myself incompetent to deal with them; others, because they were not suited for the mode of discussion here adopted.

It has often been my desire to add a second volume, dealing with matters of Foreign, Colonial, and Indian Policy; but the difficulties of treating these subjects on anything approaching the plan here adopted, have been so great, that as yet I have not carried out my intention—and perhaps I never shall.

It was in no way the object of this book, as some seem to have supposed, to point out which arguments are weighty, which worthless, which are sound, and which rotten; nor to

arrange the arguments in the order of their importance. Its existence will, I think, have been justified, if it has been of any practical use to the public ; and if, by showing how much sound argument can usually be urged on the “other side of the question,” it has, in any degree, taught toleration.

I have to thank friends and critics for the kind way in which they have received this work, and also for valuable suggestions towards its improvement.

S. C. B.

15, EATON PLACE,

November, 1888.

INTRODUCTION.

WE are in this country fortunate enough to possess a system of party government, which, while it divides the political life of Great Britain into two or more parties, and gives rise to angry argument and heated discussion, does not degenerate into animosity ; consequently, there is nothing to prevent men of opposite modes of thought from remaining on amicable and intimate terms, or even from discussing temperately the questions on which they differ.

The reasons for the general absence of personal animosity between the rival political parties are not far to seek. In the first place, there is no diversity of opinion on the general question of the form of government best adapted for the country ; and, though the various Estates of the Realm, which together make up the body politic, may struggle for power and influence, and from time to time may vary in constitution, it is taken for granted that a Sovereign who reigns but does not govern, is for us the best Head of the State. The country is, therefore, saved from agitation and intrigue, having for its object a change of Dynasty, or the institution of a Republic ; and there is no Pretender caballing against the occupant of the throne. The Sovereign, and the supporters of the existing form of

government, need not, therefore, be constantly engaged in attempting to crush or paralyse the Opposition, in order to preserve their own power, or office; perhaps even their lives. The Opposition, on their part, are not tempted to engage in secret plotting, to which they would be certain to descend, if the despairing conviction were forced upon them, that their only hope of participating in the government of the country, was by a complete upheaval and reversal of the existing state of things.

Then, again, there is no hopelessness in English politics. Though, from time to time, one of the two great parties in the State has been forced to linger for many a weary year in the cold shade of opposition, while the other has been enjoying the sweets of office and the fruits of victory, a turn of fortune's wheel has always come, sooner or later; the minority has converted itself into a majority, ousted the Government, and taken its seat on the Treasury bench. The party in opposition has the ever-present consciousness that within three or four, or at most six years, it will of necessity have an opportunity of appealing to the intellect, to the interests, or to the passions of the nation. The sanguine expectation of future success which animates politicians, whilst it keeps alive a knowledge of, and an interest in polities, and prevents the defeated party from descending to violence and intrigue, has also, in Parliament and out, a powerful moderating influence on the Opposition; inasmuch as they are aware that at any moment they may be called upon to undertake the responsibilities and the cares of office.

Thus party contest, while occasionally effervescent and bubbling over unpleasantly, is honest, sober, and sedate at bottom, and mostly kept within reasonable bounds.

On the other hand, the historic past of the two great Parties, the genuine divergence of opinion and principle, the real interest which is taken in matters of policy and politics, are sufficient to keep alive the rivalry between them in its best and most ennobling form, and to prevent it from degenerating into a mere conflict between the “ins” and the “outs.” Other countries—more especially, perhaps, some of our own Colonies—point the moral for us, that where no traditional or fundamental difference of opinion or principle exists, party politics cannot flourish in a satisfactory form, but reduce themselves to the low level of personal strife, desire for place, the pitting of class against class—ignoble aims and sordid aspirations.

England is not likely to fall on such evil days. Even when the momentous question which now dominates English politics has been laid to rest, there will yet remain, awaiting solution, many great questions of national importance, involving principles and details on which the two parties conscientiously differ. Moreover, we may well believe that, with an Empire such as ours, when the questions of the immediate present, and those looming large in the distance, have been settled, others of equal moment will come to the fore.

Party government, as it exists amongst us, possesses this further incidental advantage, that each side is interested in

the orderliness and intelligence of the other, whilst the country itself is almost as vitally concerned in the conduct of the Opposition as in that of the Government.

The stronger and more capable the Opposition—with due regard to the existence of a proper working majority on the Ministerial side—the better, more thorough, and lasting will be the work and legislation of the Government. A weak, lazy, or stupid Opposition, cannot exercise half the influence for good, either within or without the House, that will be exercised by one vigilant and strong. A Government which has to bear the brunt of intelligent, searching, and able criticism, will have a great additional inducement to propose well thought-out plans, high principled schemes, and measures which will commend themselves to the nation as well as to the ministerialists.

Moreover, a well commanded, well drilled, and united Opposition will be less of a hindrance to the proper legislation of the Government, than one which is broken up into factions, has little respect for itself, and less regard for the dignity of the House. An Opposition such as this not only unreasonably delays the business of the nation, but brings discredit on itself and on the House of Commons.

In order to obtain an intelligent Opposition as well as a strong Government, the electors must be able to discriminate between the different parties, and to weigh the merits of different candidates. They must examine for themselves, as best they can, each political question as it arises, so that—though they may not perhaps be able to make a very pro-

found study of the situation—they may look at it from an intelligent and common-sense point of view, and cast their votes on the side which seems to them to be most in the right, and which, for the time being, appears to be most likely to promote the welfare of the country.

It cannot be to the interest of either party to veil the truth from the elector, or to keep him in darkness and ignorance. On the one hand, the Liberals may, and doubtless do, imagine that it is to their special interest that light should be shed, intelligence awakened, ignorance dispelled, and knowledge increased. They believe, or ought to believe, so firmly in the truth and vitality of their principles, as to be convinced that, the more these are studied and understood, the wider and more lasting will be their influence. Indeed, if they do not hold this faith, they are either hypocrites, false to their political creed, or meaningless repeaters of parrot cries.

But, on the other hand, the Conservatives must have the same implicit belief in the truth, justice, and eternity of the principles which they profess; and if they are convinced of the righteousness of their cause, they must rejoice to see just intelligence awakened and increased. They also must feel that the more capable a man is of thinking and understanding, the more will the doctrines in which they believe be acceptable and accepted by him.

If, then, it be allowed by the advocates of both parties—as it surely must be—that increased knowledge is an advan-

tage ; and if they hold—as they surely must—that the arguments advanced by their own side outweigh those which can be urged by the other, neither can shrink from the test of having these arguments placed fairly side by side, for both must be convinced that the mind of the intelligent and unprejudiced inquirer will incline towards their own creed.

Unfortunately—though the fact may not be without compensatory advantages—men are far too apt to make up their minds that they are in the right in thinking this or that, simply and solely because somebody else thinks it, or has thought it. Such men, no doubt, are not troubled with many qualms of conscience, but wrap themselves up in the impenetrable cloak of unthinking deference to authority of opinion, and, whilst professing to be open to conviction, stubbornly refuse to see that there can possibly be more than one side to a question.

Those, however, who take the trouble to examine both sides carefully, will be ready to admit the force of opposing arguments ; and, when they have weighed them well, and after anxious doubt and laborious thought have made up their minds, they will feel that with themselves at least the stronger arguments have prevailed, and that their convictions are founded on truth and justice.

In no case can a man of intelligence allow himself to remain doubting and hesitating; right or wrong, he finds he must range himself on one side or the other ; and the step once taken, his opinions naturally become stronger and stronger, he

becomes more and more convinced that his party is in the right. It is well that this should be so, for without an instinctive inclination to believe in the truth of one's opinions, the mind would be enveloped in a mist of doubt, party government would be impossible, and politics would remain a chaos without form and void. "Very few," as Hartley Coleridge said, "can comprehend the whole truth; and it much concerns the general interest that every portion of that truth should have interested and passionate advocates."

There exists, however, a class of men—a very large class—who knowing nothing and caring less about politics, are politically everything by turns and nothing long, but who unfortunately make up in many constituencies the margin of voters who turn the scale of the election. These are the men whose wavering conviction opposing candidates must make it their business to arrest, by plying them with every argument that can fairly be urged, with the hope that one at least may strike home.

The spread of education, of newspapers and literature, the increased means of communication and locomotion, are gradually decreasing the numbers of this neutral host, and no efforts should be spared on our part in enticing as many as we can of the soldiers composing this body to come over to us, and in ourselves enlisting recruits who would otherwise join its ranks. This army consists of men of all conditions in life, men of all degrees of knowledge, intelligence and capacity; while a large part of it is distinctly mercenary. The more it can be reduced in numbers the less will be

experienced the tremendous reverses of electoral fortune which have been seen of late years; and which have been caused chiefly by a sudden whim, pique, fear, or hope, seizing this usually impassive body of men, and causing them to desert the side which they formerly supported, and to support the side which they formerly opposed.

The sin which most besets party politics consists in this, that prejudice and passion too frequently warp the feeling and conduct of politicians.

In order to convince themselves that they are in the right, men are often led to speak ill of opponents in their public capacity, in a way which they would never think of doing, or dare to do, in the private relations of life. It is foolishness itself to impute to the other side motives which one must know would never actuate them as individuals, and while arrogating to one's own party all virtue, infallibility, and prophetic foresight, to ascribe to our opponents political vice, stupid fallibility, and insane shortsightedness.

The difference between the principles held by Liberals and those held by Conservatives is not, except under the influence of excitement, asserted by either side to be the difference between right and wrong. It is frankly acknowledged to be but a conflicting idea, or a dissimilar point of view; a belief on the one side in the beneficial results of action, on the other a dread of the evil results of great changes—the whole tempered by the personal equation of the observer, the constitutional difference of feeling and

thought. The principles advanced by the two parties cannot be reconciled, and may differ almost fundamentally, but they are after all founded on the same basis of supposed right, and the conception and realization of them is but a matter of degree. Every Englishman, whether he be Whig or Tory, Conservative, Liberal, or Radical, is actuated more or less by the same motives, though the conduct of one man may be governed by feelings and passions which another does not hold and cannot understand.

Even where it is evident that a man is personally interested in opposing a reform, we ought, before levelling insinuations against his good faith, to look around, and to see whether those who are supporting the measure are wholly free from personal bias, and are not themselves actuated by sinister interests of their own.

Toleration, indeed, in its largest sense, ought always to actuate public leaders as well as the rank and file, in word, action, and legislation. And the more it is recognised that on the merits of every question a great deal can be honestly urged from the opposite point of view, and that in many cases both opposer and supporter have right on their side, the more widely, one may hope, will political forbearance and consideration prevail.

But, though toleration should always be practised, and mutual recrimination, misrepresentation and abuse should ever be avoided, we ought at the same time never to forget that there are cases in which, as Burke once said, “Temper is the state of mind suited to the occasion.” Wrong is

wrong, and right is right. There are evils that may not be patiently endured ; and, in spite of all we now-a-days hear of the heat to which political passion has risen, I am myself inclined to believe that we have among us too much of that lukewarm indifferentism which believes that there is nothing new, and nothing true, and that nothing matters very much.

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HANDBOOK TO POLITICAL QUESTIONS.

HOME RULE.

IT is proposed to create an Irish Parliament to sit in Dublin, which should have power to legislate on, and to regulate Irish Home affairs, leaving “Imperial” questions to be dealt with by the Imperial Parliament, sitting at Westminster.

This proposal is upheld on the grounds:—

1.—That it is desirable to institute some middle course between separation on the one hand and over-centralisation on the other.

2.—(a) That each country is best able to manage her own domestic concerns; each has the right, and should have the liberty to do so. To force a detested system of government on an unwilling people is contrary to the principle of constitutional freedom.

(b) That it is undesirable for one country virtually to control the domestic affairs of another.

(c) And this is more especially undesirable when the two countries differ radically in sentiment, character, and religion.

3.—That the control of the domestic affairs of one country by another, tends to emasculate its strength and stunt its

growth ; while liberty and self-government foster intelligence, knowledge, and sobriety of mind.

4.—That the Union has brought neither loyalty, peace, nor strength. The attempt on the part of England to govern Ireland according to English ideas has been a disastrous failure ; in spite of the fact that some of our best men have applied themselves to the task.

5.—(a) That, though the Act of Union, fraudulently obtained, united the Legislatures, the nations were thereby divided. After eighty-five years of a “united Parliament” the integrity of the Empire is little more than a name.

(b) That the Union, as now established, is merely a “Paper Union,” and has been only maintained by means of Coercion Acts repeatedly passed by Parliament against the will of the Irish people ; and without coercion, such an Union cannot hereafter be maintained.

6.—That the present state of affairs constitutes a grave military danger. Even when England is at peace, a large force is needed to keep Ireland in order, and England’s danger would be Ireland’s opportunity. In time of war, Ireland might welcome a descent of the enemy on her coasts, and allow herself to be made a base for offensive operations.

7.—(a) That the present state of things constitutes a grave political danger. Under existing circumstances, the presence of the Irish “Nationalist” members exercises a very baneful influence on the efficiency, repute, and popularity of the House of Commons.

(b) That the Nationalist members are elected, not to assist, but to hinder legislation ; not to administer, but to prevent administration. And they have largely succeeded in paralysing legislation, and in reducing the party system to an unworkable absurdity.

(c) That “Ireland stops the way.” Until Ireland has a Parliament of her own, the Imperial Parliament will never

be master of itself. If England insists upon governing Ireland, Ireland will at least prevent England from governing herself.

8.—That the present state of things, by leading to continued agitation, drives away capital, and distracts and impoverishes Ireland; while thousands of Irishmen are in consequence annually driven from home, to carry abroad with them hatred and disaffection to England.

9.—(a) That, the “Union” having thus proved to be a failure, the Irish people are entitled to demand the restitution of their Parliament.

(b) That, after all, precedent is more on the side of the ancient Irish Parliament than on that of the modern “Union.”

(c) That the old Irish Parliament, though returned by a corrupt and limited electorate, did a vast amount of useful work; and a successor, constructed on better lines and sounder principles, would be eminently efficient.

10.—(a) That in the past—for centuries past—England did vast and irreparable injury to Ireland; first, by wholesale confiscation, plantation of the English, transplantation of the Irish; then by fiscal legislation directed against her trade and commerce, and by penal legislation directed against religious liberty and equality; and, finally, by depriving her, through “means the most base and shameless,”* of her legislative independence. For all this England owes reparation.

(b) That England was right first to attempt by the removal of material grievances—Land Laws, Church, Education, &c.—to win over the Irish people to English rule; but these reforms have totally failed in their object.

11.—(a) That the fact that the “Irish Question” is further from settlement now than it was before we began our “remedial legislation,” shows that we have not yet

* Sir T. Erskine May. *Constitutional History*, iii., 332.

gone to the root of the matter. In fact, by the removal of other material grievances, the field for Home Rule agitation has been left clear.

(b) That, doubtless, the agitation for Home Rule is partly sentimental; but, after all, the world is largely governed by sentiment.

12.—(a) That the Irish people have never ceased to protest against the legislative Union; and at no previous period has the feeling in Ireland been so unanimously adverse to the present system of English rule, and in favour of Irish legislative independence.

(b) That this is conclusively proved by the result of the general elections of 1885 and 1886. In 1885, the Irish people had, for the first time, an opportunity of constitutionally expressing their opinions; and by an overwhelming majority—eighty-five members to eighteen—they declared in favour of Home Rule; * a verdict repeated and emphasized in 1886.

(c) That there never was in Parliament an Irish party so united, and so little open to corrupt or party influences.

(d) That the position of affairs has thus materially altered of late; and it is impossible any longer to shut our eyes to the fact that we are face to face with a national feeling constitutionally expressed.

(e) That it is the duty of Parliament carefully to consider a question thus powerfully and constitutionally raised, and, if possible, to comply with the demands of such a large portion of the citizens of the United Kingdom.

13.—That it is a mockery to have greatly extended the franchise in Ireland, and then to pay no regard to the voice of the people constitutionally expressed.

14.—(a) That the Irish people have a passionate aspira-

* In 1885 the Nationalists contested 89 seats in Ireland and won 85. They now (1888) still number 85.

tion for self-government ; and until this be conceded, they will never be content nor loyal to the Crown.

(b) That the existence of such a wide-spread feeling of nationality, leads the Irish to regard English domination as "Foreign" rule ; and to consider it in the light of a tyranny and a burden.

15.—That constitutional government—*i.e.*, the government of a country in harmony with the feelings, the wants, and the wishes of the people—does not exist in Ireland.

16.—(a) That the presumption that "we can legislate better for the Irish than they can for themselves, is," as Fox said, "a principle founded on the most arrogant despotism and tyranny."

(b) That Great Britain, in her Irish legislation, has persistently ignored the fact of the existence of those differences of race, religion, habits, character, and sentiment which exist between Irishmen and Englishmen.

(c) That, by our Irish legislation, which, when conciliatory, has been given grudgingly, has usually been accompanied by coercion, and has not been by any means in accord with Irish opinion ; and, which, when coercive, has been absolutely antagonistic to Irish feeling, we have fomented the feeling of antagonism between the two nations.

(d) That, similarly, by our mode of centralised government for Ireland, by consistently disregarding the voice of the Irish representatives, by our administration of the law, by "Castle Rule," by the refusal of municipal privileges and power, and (until recently) of an equal Parliamentary franchise, we have accentuated the feeling that the government of Ireland is English and not Irish.

(e) That, more especially in the House of Lords, all Irish legislation is thrown out or grievously mutilated.

17.—(a) That under the existing system of government, every Irishman who has the confidence of the Irish people is

practically excluded from the smallest share in the administration of Ireland.*

(b) That in Parliament itself, those who are least consulted in Irish legislation are the representatives of the Irish people.

18.—(a) That, in order to obtain willing obedience to the laws, they must be not only good laws, but laws made by the people themselves, and in conformity with their feelings and sentiment.

(b) That the Irish detest our laws, not because they are bad laws, nor because they are made by England, but because they are not made by Ireland.

(c) That, in consequence of the “foreign garb” in which the laws appear, and the idea that they are dictated by an unpopular class or faction in Ireland, the Irish people as a whole, have, to a large extent, refused to obey them, and have preferred to bow to the behests of popular leaders or secret societies, and to obey their mandates.

19.—(a) That the English Government, being responsible for law and order, have been consequently obliged to enact constant strict coercive criminal legislation, with suspension of constitutional freedom, and of liberty of person, speech, and press—legislation, which, though nominally directed against criminals, is really, under the peculiar condition of things existing in Ireland, directed against the people in general and their political leaders in particular.†

* “An Irishman at this moment cannot move a step, he cannot lift a finger, in any parochial, municipal, or educational work, without being confronted with, interfered with, controlled by, an English official, appointed by a foreign Government, and without a shade or shadow of representative authority.”—*Mr. Chamberlain at Holloway, June, 1885.*

† Such laws as the curfew law, the Arms Act, the power of search, the levy of a special police rate in a district in which a crime has been committed, the power of dispensing with juries—to quote from a few of the recent Coercion Acts—are clearly weapons directed, not against individual offenders, but against the bulk of the people. Innocent and guilty alike suffer, and bitterness against the law is produced. Between the date of the

(b) That this has been more peculiarly the case of late. The last coercion Act, that of 1887, was especially directed to the suppression of the National League—*i.e.*, the suppression of an association representative of, and supported by the bulk of the Irish people at home and abroad.

(c) That most of those who have suffered under coercion Acts have been, not ordinary criminals, but “political offenders ;” men of otherwise blameless character, but whom the Government of the day, responsible for the peace of Ireland, has found it necessary to prosecute and imprison ; with the sole result of making them more dangerously popular, and more bitterly hostile.*

(d) That, thus, the enactment of criminal legislation is attributed by the Irish people, not to a just desire on the part of the English Government to maintain social order, but to a desire to repress the expression of legitimate demands. The difficulty of governing Ireland arises, not from the existence of crime, but from the existence of a national feeling opposed to England.

(e) That political and ordinary crime are thus confounded. The whole law is discredited, and “village ruffians” find their opportunity in the unhealthy state of society ; with the result, that the law has diminished in efficiency as it has increased in stringency.

20.—That, even if, for the moment, the Government are successful in maintaining the apparent supremacy of the law, it is, at the best, simply success in driving discontent and disloyalty beneath the surface, with the result of encouraging the formation of dangerous secret societies.

Union, 1800, and 1888, there has scarcely been a year free from exceptional criminal legislation.

* Of the sitting Nationalist members, at least one-third have been either prosecuted or imprisoned. Such men, too, as Daniel O'Connell, John Martin, John Mitchell, A. M. Sullivan, and hundreds of others of the same calibre and character, suffered under different coercive laws.

21.—(a) That such a state of things is most injurious to the character of the ruler, as well as of the ruled; and to it is largely due the “moral laxity” of the Irish people, so far as this exists.

(b) That a continuation of the system which has worked so disastrously can only lead to further deterioration of character on both sides.

22.—(a) That, in order to carry out these coercive laws, England has to keep a large military garrison in Ireland, and, at a cost of a million and a half a year, to maintain there some 13,000 constabulary, armed, not as in England merely with a truncheon, but with rifle, bayonet, and revolver.

(b) That thus the majesty of the law is represented to the ordinary Irishman by an English force, to which he gives unwilling obedience.

23.—(a) That, though a policy of “twenty years of resolute government” might succeed temporarily in keeping the Irish quiet, it is undesirable, inasmuch as it would give no scope to improvement in the Irish character, but rather the reverse; while it is practically unattainable, inasmuch as an adverse vote on some other question, or a general election, would bring it suddenly to an end.

(b) That a policy of Home Rule alone gives any prospect of finality.

24.—(a) That the primary purpose of government is the maintenance of social order. Social order can only be maintained by force or by contentment.

(b) That the policy of coercion has been worse than a failure. It moves in a vicious circle. Coercion leads to the necessity of further coercion. That which should be exceptional becomes habitual. Force has been conclusively shown to be not only no remedy, but positively an aggravation of the disease.

(c) That the grant of complete self-government to Ireland

in Irish matters is the only possible alternative to a policy of coercion.

25.—That the grant of Home Rule involves no concession to crime, violence, or threats ; it is an attempt to extinguish them by concession to a just demand.

26.—(a) That the concession of Home Rule will necessarily be attended with some risks. But it is a cardinal principle of the Liberal creed that liberty, self-government, and responsibility are eminently educating, elevating, and sobering.

(b) That by going to the root of the grievances of which the Irish complain ; by giving them what they do want, instead of forcing on them what they do not want ; by allowing them to have a government responsible to, and representing the Irish people ; by stripping the law of its foreign garb and by giving it a domestic character ; by treating them with confidence instead of with irritating suspicion and ill-concealed dislike : their disloyalty will be disarmed, discontent will be appeased, real social order will be attained, and good and harmonious relations will be established between Great Britain and Ireland.

(c) That already the change from a policy of despair to a policy of hope, and the expressed sympathy of a large portion of the English people, have had their effect in calming agitation, and in promoting good-will between the two peoples.

27.—That the Irish people have always been singularly free from ordinary crime ; and that, when they are themselves responsible for the peace and order of the country, they will be very strict in the enforcement of the law, and social order will be at once evolved.

28.—That an Irish Parliament sitting in Dublin would naturally be better informed as to the wants and wishes of the Irish people than is the Imperial Parliament sitting at Westminster.

29.—(a) That until the experiment has been tried, it is

absurd to say that the Irish people are incapable of self-government. The centralised system of English rule has so far made any experiment of the kind impossible.

(b) That to say the Irish shall not have self-government till they prove themselves capable of it, is to say that a man shall not go into the water until he can swim.

(c) That if the system of centralised government has sapped the self-reliance and independence of the Irish people, no time should be lost in altering the system before further harm be done.

(d) That Ireland has produced many of our greatest statesmen, soldiers, and administrators.

30.—(a) That it will be very much to the interest of the Irish themselves, who have clamoured for Home Rule, to prove, by making their Parliament a success, that they had good reason for their demand.

(b) That, as the constituencies would be interested in good legislation and administration, they would elect men of legislative and administrative capacity.

(c) That the responsibilities of office, and the necessity of initiating and carrying through legislation, the existence of a vigilant and active opposition, would have a moderating and sobering effect on the Irish representatives themselves.

31.—(a) That by associating in public work men of different classes and religions, existing class and religious hatreds and jealousies would be diminished.

(b) That the existing antagonism, and proportionate numbers, of the minority and majority, as now represented in the House of Commons, is certain not to continue in the Irish House. It is the demand for Home Rule, and that alone, which now unites different classes and interests—farmers, labourers, shopkeepers, &c.—in one common bond. This conceded, the existing majority would lose its cohesion, and would fall naturally into groups and sections, with dif-

ferent interests and different desires ; and no one section would be strong enough—even if it so wished—to oppress the others.

32.—(a) That the different sects in Ireland if left to themselves would be perfectly willing and able to live together on terms of amity.* At present there is a temptation to quarrel ; for the English Government, and not they, are responsible for public order.

(b) That, moreover, the position of the “loyal” minority is one of offensive privileged superiority. Remove the cause, and the antagonism between them and the majority disappears.

(c) That where the Catholics are in a majority, they have shown themselves in local matters tolerant and generous to the Protestant minority.

(d) That, in the past, since 1798, the leader of the Irish party for the time being, with the exception of O’Connell, has been a Protestant ; a proof that religious animosity and intolerance is not a dominant factor in the Irish question.

(e) That the whole tendency of the time in Ireland, as elsewhere, is against sectarian intolerance or persecution.

33.—That, at present, if we are to believe what the “Loyalists” tell us, the condition of the minority could hardly be more pitiable, protected though they are by English force.

34.—(a) That while more than half the population of Ulster is Protestant, more than half of its members are “Nationalists,” showing that a considerable proportion, even of Ulster Protestants, support Home Rule. Thus Ulster is not in antagonism to the rest of Ireland.

(b) That twenty years ago the Orangemen of Ulster declared that they would fight to the death to resist the disesta-

* The population of Ireland amounts to about 5,000,000, of which some 3,800,000 are Catholics.

blishment of the Irish Church, and their threats came to nothing—it will be the same in the case of an Irish Parliament.

35.—(a) That though the desire for Home Rule is independent of the land question, this latter is, and will continue to be used as a powerful lever for Home Rule. It is therefore at present to the interest of the Irish leaders to render the question insoluble ; and, so long as the political question bars the way, the economic question cannot be settled. Remove the cause of agitation, and the land question would be settled by an Irish Parliament, representative of the different classes, on a basis just to all.

(b) That at present the Irish leaders have power without responsibility ; give them responsibility as well, and they will find that the land question must be settled, and settled on a just basis.

36.—That, the Crown retaining the right of veto, England would be in a position to prevent the enactment of unjust laws.

37.—That the prejudices of the minority ought not to outweigh the legitimate wishes of the majority.

38.—(a) That Home Rule, by making Ireland more contented and prosperous, would again allow capital to flow into the country, would diminish absenteeism and its attendant evils ; and would discourage emigration.

(b) That even if the Irish Parliament imposed Protection, it would only be to re-establish those industries which England by her selfish Protectionist policy had formerly destroyed, and which, now-a-days, without some help from the State, cannot be revived.

39.—(a) That the transaction of Irish business at Dublin instead of at Westminster, would immensely expedite and cheapen such business.

(b) While it would, at the same time, relieve the Imperial Parliament, now overburdened with work.

40.—(a) That experience elsewhere shows that the concession of legislative self-government is the best cure for disloyalty and discontent.

(b) That fifty years ago Canada was eminently disloyal ; she is now eminently loyal and content.* The prophecies freely made of the evils which would spring from the concession to her of Home Rule have been signally falsified.

(c) That the concession of self-government to our other Colonies has been followed by most satisfactory results.

(d) That, in the case of Sweden and Norway, of Austria and Hungary, of the Southern States of America after the war, loyalty and content followed the grant of self-government.

41.—That Home Rule would be a great step towards “Imperial Federation”—the knitting together of all parts of the Empire by means of an Imperial Parliament; the best, perhaps the only, hope in the future of keeping this great Empire together.

42.—(a) That it is an essential condition of the problem of Home Rule that the proposal should be acceptable to, and accepted by, the Irish people.

(b) That an opportunity has lately arisen of settling the Irish Question on terms satisfactory to both nations, which it would be wrong and foolish to neglect.

43.—(a) That the rejection of a policy of conciliation and a further resort to coercion, would be playing into the hands of the most extreme, violent, and dangerous men—men who live by agitation, and batten on the hostility of Ireland to England. Constitutional agitation would have been proved

* Canada “did not get Home Rule because she was loyal and friendly”—she had, indeed, only just before risen in arms—“but she is loyal and friendly because she got Home Rule.”—Sir C. Gavan Duffy, “Contemporary Review,” June, 1886.

to be useless, and resort to violence would be apparently the only resource.

(b) That we have now to reckon, not only with the four millions of disaffected Irish in Ireland, but with double that number of Irish sympathisers who live in America and the Colonies, and who, in the event of renewed hostility between England and Ireland, would prove a formidable force antagonistic to England.

44.—(a) That while it is essential, it is also quite possible, in conceding Home Rule, to guarantee the maintenance of the integrity of the Empire and the supremacy of the Crown. Full legislative freedom to an Irish Parliament in Irish matters can be combined with full and complete Imperial control.

(b) That as the limits and extent of the powers of the Irish Parliament would be strictly defined, there would be no danger of their being overstepped ; and there need be no collision with the Imperial Parliament.

(c) That the integrity of the Empire was not affected by the existence of the old Irish Parliament, though that possessed powers much greater than those it is now proposed to concede.

45.—(a) That the fear of losing their Constitution would, even if no other reason existed, cause the Irish people loyally to observe its conditions.

(b) That, by going to the root of the evil, separation would be made not more, but less, likely ; for the Union would become a reality, and not a sham ; and the Irish people would be more prosperous and more content.

(c) That the pecuniary,* personal, and political interests of Ireland are so much bound up with those of England, that, if self-government were granted, all interests would be opposed to a separatist agitation.

* It is estimated that out of the thirty millions of Irish exports, thirty-nine fortieths are either consumed in England or pass through England.

(d) That even if the concession of Home Rule did not entirely extinguish all fanatics, rebels, and agitators, it would win over to the side of England vast numbers who are now opposed to English rule. With their support, Great Britain, herself united on the question, would be in a much stronger position to resist a separatist agitation than she is at present.

46.—(a) That Ireland could not afford to maintain herself as a separate and independent State.

(b) That her dream is to govern herself, and she would never consent to place herself under the power or protection of any other nation.

47.—That if Ireland still remained turbulent, discontented, and disloyal, Great Britain, retaining the ultimate power in her hands, could always resume her gift and return to the *status quo ante*.

48.—(By some.) That in many ways separation itself would be less of an evil to Ireland and less of a danger to England, than an indefinite prolongation of the existing state of things. Ireland is a source of weakness, and would constitute a grave danger to England in time of trouble ; while the agitation and insecurity which results from the existing relations between the two countries prevents all progress or prosperity in Ireland.

49.—(a) That the concession of Home Rule, instead of lowering our prestige among foreign nations, would, by removing a great cause of weakness, strengthen our international position.

(b) That most of our Colonies heartily sympathise with the Irish aspirations.

50.—(a) That the grant of mere local self-government would do more harm than good. It would not meet Irish aspirations, nor make Ireland more loyal. Under existing circumstances, to give Ireland local self-government, and to

give her nothing more, would in no way abate the discontent, but would merely supply further opportunities for its expression and indulgence.

(b) That under the extended powers of local government, which some propose as a substitute for Home Rule, the majority, who would still be discontented and disloyal, would (if so disposed) have very considerable powers of oppressing the minority, without let or hindrance. They would have the levying and the spending of all local taxes, they would have full control over educational matters, &c.

51.—That it is idle to hope or expect to be able to govern and legislate for Ireland exactly in every particular as for England and Scotland. The circumstances and surroundings are absolutely different.* Moreover, the Irish people, if refused self-government, as they understand it, can and will force upon us the infliction of repressive legislation, and thus at once the principle of equal legislation equally applied, is vitiated.

52.—(a) That the political, social, economical and geographical position of Ireland has been, and is, so essentially different from that of Scotland and Wales, that no analogy is possible between them.

(b) That, as a matter of fact, Scotland has not suffered materially from the lack of Home Rule, inasmuch as Scotch affairs are practically settled by the Scotch members alone.

53.—That Great Britain has always sympathised with the aspirations of other nations, or portions of nations, for liberty and free institutions; she cannot consistently refuse to listen to the appeal when it proceeds from a portion of her own dominions; to practice what she has so often preached elsewhere.

* In Great Britain volunteering is permitted and encouraged; in Ireland it is forbidden. In Great Britain (excluding London) the police are under local control; in Ireland they are under the Lord Lieutenant, &c.

On the other hand, any scheme of Home Rule to Ireland is opposed, on the grounds :—

1.—That no one portion of a kingdom has any absolute right to self-government, without regard to the welfare and security of the rest of the community. Three millions have no right to dictate to thirty-three millions.

2.—(a) That the principle of federation is to knit the confederated communities more closely together, whilst Home Rule is intended to relax a pre-existing bond ; the one is consolidation, the other disintegration.

(b) That between countries so widely differing in sentiment, character, and religion, as England and Ireland, federalism is impossible.

(c) That the various forms of Federalism existing in foreign countries differ radically from that proposed for Ireland, and there is no analogy between them ; while most of these Federations have passed through phases of internal agitation, which, if the federated kingdoms had been in the relative positions of England and Ireland, would have ended in civil war.

3.—That though it is very desirable that a well-matured scheme of Imperial Federation should be eventually carried out, it would be fatal to remodel the constitution at the bidding of a disaffected minority.

4.—(a) That the Colonies stand in an entirely different relation to England, geographically and socially, from that of Ireland ; the Home Rule they possess bears no analogy to that demanded by Ireland. Not being represented in Parliament, the Colonies must necessarily possess a large measure of self-government ; while Ireland, being vitally interested in all Imperial questions, would never consent to be placed on the footing of a Crown Colony, which governs itself but which is not represented in Imperial matters.

(b) That if, at any time, separation were to follow from the concession of Home Rule to the Colonies, it would be a misfortune, but the immediate advantages outweigh the possible risks ; in the case of Ireland the risk is too great to be run. Geographical considerations cannot be subordinated to national sentiment.

(c) That the Channel Islands, and the Isle of Man, are so small and insignificant, that no possible danger can arise from their exercise of self-government.

5.—(a) That the Irish Union and the Scotch Union were wise and statesmanlike measures ; inasmuch as they welded together the different parts of the now United Kingdom. Take it all round, the Irish Act of Union (as well as the Scotch) has been a success.

(b) (By some.) That the Union may have been fraudulently obtained and mistaken in policy : but it exists, and to weaken or to dissolve it would be feeble and foolish.

6.—That only questions of detail can be settled by local bodies ; questions of principle must be settled by the whole nation on the broadest basis.

7.—That the principle of Home Rule cannot be considered apart from its details ; and the details of the only scheme of Home Rule so far offered to the public are impracticable.

8.—That Home Rule would involve a strictly defined and written constitution for England, as well as for Ireland ; while the merit of our constitution is that it is no constitution at all, and therefore eminently elastic, strong and workable.

9.—(a) That it is impossible strictly to define the limits and powers of an Irish Parliament.

(b) That it is impossible to draw the line between local, domestic, private, and Imperial matters ; and constant disputes would arise on the subject.

10.—That any scheme of Home Rule involves either the retention at, or the exclusion from Westminster of the Irish members; and to either alternative there are insuperable objections.*

11.—(a) That, by the nature of things, Ireland would have to pay an annual sum to the Imperial Exchequer. The difficulties of apportioning the National Debt and of fixing the amount of the Irish Contribution would be very great. The amount that might be just one year would not be so the next; while, in years of distress, abatement might be demanded, coupled with a refusal to pay.

(b) That, in any case, the contribution would come to be looked upon as a "tribute," and an agitation against its payment would soon arise.

12.—That demands for further privileges and powers would constantly be made by the Irish Parliament. If these were refused, the friction between the two countries would ever tend to increase, and there would be imminent danger of civil war; while, if the demands were conceded, Ireland would gradually obtain complete independence.

13.—That among the first demands of the Irish Parliament, would be the power to create a volunteer force, and to control the militia; demands which of necessity would be refused; and an irritating dead-lock would ensue.

14.—(a) That the Imperial Parliament never would nor could allow either the land question, or any question affecting religious equality, to be decided in accordance with Irish ideas; and English interference in these matters, and the exercise of the veto, would create intense bitterness against England.

(b) That in fact any exercise of the veto would cause irritation and a sense of injustice in Ireland; and would soon lead to demands for entire independence.

* See p. 28.

15.—That either the Imperial Parliament would overshadow the Irish Parliament, and make it of little account, or constant conflicts would arise between the two rival bodies.

16.—That the Parnellite Party has no power and no authority to accept any measure as a final settlement. It is impossible, therefore, that there could be any guarantee of finality about any Home Rule measure.

17.—That the Imperial Parliament would have no means of compelling Ireland to adhere to the terms of the federal compact, except, in the very last resort, by levying war.

18.—(a) That it is not possible, under any system of Home Rule, to guarantee the integrity of the Empire and the supremacy of Parliament.

(b) That until it can be satisfactorily shown that the concession of Home Rule would in no way menace the integrity of the Empire, the question is not one that ought to be discussed.

19.—That the difficulty which has arisen with reference to the exclusion or retention of the Irish members in the Imperial Parliament, shows the impossibility of reconciling the creation of an Irish Parliament with the maintenance of the unity of the Empire and the supremacy of the Imperial Parliament.

20.—That the futility of all the so-called guarantees—provided in order to attain this object—would be proved on the first occasion of collision between Irish and English opinion.

21.—That local liberty would diminish Imperial power, especially in the case of war.

22.—(a) That the existence of a powerful central body in Ireland would create a rallying-point for disaffection; and make any agitation or outbreak more formidable than at present.

(b) That in the event of war, a disaffected Irish Parliament would constitute a far more serious danger than could an unarmed and unorganized people.

(c) That even if, under ordinary circumstances, the English and Irish pulled together, in time of some great European excitement, England being Protestant and Ireland being Roman Catholic, their aims and desires would come into active conflict.

23.—(a) That the concession of Home Rule would be a serious confession of failure, and would do much to weaken the prestige of England among other nations.

(b) That it would be felt to be the beginning of the end, the first step towards the disintegration of the Empire.

24.—That both the actual strength and the position of the Empire among nations would be greatly weakened; and both her trade and her influence for good, depend upon her strength and position being unimpaired.

25.—(a) That the often avowed, and real aim and object of the Nationalist Party in Ireland is Separation; Home Rule is to them only a step towards the accomplishment of that object.

(b) That, in any case, nothing short of separation will satisfy the American Irish, who are the paymasters of the movement.

(c) That the fact that Ireland is in no way more loyal, and in no way grateful for the benefits and concessions already showered upon her, shows that she is incurably antagonistic to England.

26.—That if, as is argued, Ireland is to have Home Rule because she demands Home Rule, logically separation cannot be refused if she demands separation.

27.—That as Ireland would not be strong enough to maintain herself as an independent kingdom, she would endeavour to place herself under the protection of France

or the United States—and this would constitute a most serious menace to Great Britain.

28.—That, as a matter of fact, England could never permit separation, but the attempt to prevent it would lead to much bloodshed, and to increased enmity between the two countries.

29.—(By some.) That, in many ways, separation would be better than the indefinite and uncomfortable state of the relations which would exist between England and Ireland after the concession of Home Rule.

30.—(a) That it would be treacherous and cowardly of Great Britain to desert the minority—the Protestants—of Ireland, who have always been the loyal and industrious portion of the community, and who still desire to remain under English rule.

(b) That to constitute an Irish Parliament in Dublin, with full powers over all Irish matters, would be to hand over to the party of violence and disorder the lives, property, and religious liberty of the loyal and law-abiding minority.

(c) That an Irish Parliament would unquestionably confiscate the property of the landlords.

(d) That even if protection and compensation could be afforded to the landlords, England would be abandoning to the tender mercies of their bitterest enemies, a scattered population of loyal persons, who, during the last few years, have been concerned, under English orders,—as judges, jurors, witnesses, or officials—in carrying out the administration of the law.

(e) That even now—even under the protection which the English Government can extend to them—the minority are persecuted by the “Nationalists.”

(f) That already—to judge from speech and newspaper—the majority are reckoning on the time when they will

have the power of harrying the persons, confiscating the property, and harassing the trade of the minority.

31.—(a) That religious antagonism in Ireland is so bitter, that if Imperial control were withdrawn, strife would ensue; the Roman Catholics, being the majority, would swamp and oppress the Protestants, and religious hatred and jealousies would be intensified.

(b) That Home Rule would be Rome Rule.

32.—That, once constituted, it would be practically impossible for the Imperial Parliament to interfere with the proceedings of the Irish Parliament, however unjust to the minority.

33.—(a) That Ulster would resist, and rightly resist, to the death, the domination of a Dublin Parliament, and thus civil war would ensue, or we should be obliged to use force to put down that party in Ireland who alone have been loyal to this country.

(b) That, in any case, the majority of the people of Ulster would refuse to have any part or lot in the Dublin Parliament. Their abstention would either bring matters in Ireland to a deadlock, or they (the loyalists) would have to be coerced by England into the acceptance of a constitution that they abhorred.

34.—(a) That the Irish are, and have everywhere shown themselves to be by temperament, thriftless, improvident, deceitful, and totally incapable of self-government.

(b) That where they now have power over local matters, they job, mismanage, and spend extravagantly.

(c) That their Parliament, when they had one, was a disastrous failure.

(d) That the action and language of the Irish members in the House of Commons show that Ireland is unfit for Parliamentary institutions, and that the Irish leaders are unfit to govern.

(e) That neither the Irish people nor their leaders have sufficient regard for life, order, and property to fit them for self-government—witness Fenianism, agrarian crime, refusal to pay rent, persistent acquittal of criminals, dynamite outrages, &c.

35.—That an Irish Government would entirely ignore that which is the paramount duty of every Government—the maintenance of law and order.

36.—That an Irish Parliament would weaken the self-reliance and self-help of the Irish nation by paternal and pauperising legislation.

37.—That the Irish Parliament—following the example of all young communities—would be protectionist, and differentially protectionist against England.

38.—That Home Rule would create a feeling of commercial insecurity, and thus capital would be still further repelled from Ireland.

39.—That Ireland is so much impoverished, her credit would be so bad, that she could never raise enough revenue to meet her wants; she would therefore soon become bankrupt, disorder and distress would ensue, and England would have to come to her assistance.

40.—That there would be no security that the lighthouses, buoys, &c.—of vital importance to British commerce—would be kept in a state of efficiency.

41.—That instead of the legislation of an Irish Parliament tending towards the assimilation of the laws in England and Ireland, it would tend rather towards inequality and anomaly.

42.—That though it is true that we have, in times past, oppressed and misgoverned Ireland, this is no reason for now handing her over to what would be certain misgovern-
ment.

43.—That England long ago expiated any wrongs she

may have done to Ireland ; she has conferred on her exceptional benefits, and is anxious fully to remedy any grievances from which Ireland can be shown to be suffering.

44.—That it would be suicidal to risk the integrity of the Empire, the strength of England, and the happiness of the people of Ireland, on the mere chance of contenting a handful of professional agitators at home and abroad.

45.—That Home Rule would lead to bitter disappointment of sanguine expectations ; the failure would be attributed to England ; and, instead of contentment, there would be greater discontent, and the demand for separation would be strengthened.

46.—(a) That it is the first duty of any civilised government to enforce the law, and to maintain social order.

(b) That, in any case, before we can grant them further liberty and self-government, the Irish people must prove themselves willing to obey the laws of the country.

47.—(a) That so-called “coercion” is merely special criminal legislation, directed to the repression of exceptional crime and outrage, with which the ordinary law has proved itself unable to cope—coercion of the moonlighter and assassin.

(b) That exceptional legislation is required in the case of Ireland to prevent the unlawful coercion of individuals and classes.

(c) That in no case is the liberty of a law-abiding citizen curtailed by coercion.

(d) That if the Irish “will abandon the habit of mutilating, murdering, robbing, and of preventing honest persons who are attached to England from earning their livelihood,” there would be no need for coercion ; but meanwhile coercion must be resolutely applied.*

* Lord Salisbury at St. James's Hall, May 17th, 1886.

48.—That the right policy to be pursued towards the Irish is “that Parliament should enable the Government of England to govern Ireland. Apply that recipe honestly, consistently, and resolutely, for twenty years, and at the end of that time you will find that Ireland will be fit to accept any gifts in the way of local government or repeal of coercion laws that you may wish to give her. What she wants is government—government that does not flinch, that does not vary—government that she cannot hope to beat down by agitations at Westminster—government that does not alter in its resolutions or its temperature by the party changes which take place at Westminster.” *

49.—(a) That Ireland is surely, though very slowly, becoming more civilised and less criminal.

(b) That the present † quiet state of Ireland is due to the firm application of coercion.

50.—That, if we have patience, and carry out a resolute policy, combining with it a plan of “equal laws, equally applied” to all parts of the United Kingdom, and the remedy of proved grievances, Irish disaffection will gradually disappear.

51.—That Scotland and Wales are contented and prosperous without Home Rule, yet they at one time were eminently disaffected.

52.—(a) That the Irish Question is economic, and not political.

(b) That if Ireland were fairly prosperous, and the discontent purely political, the remedy would be political too ; but when, as is the case, the discontent is mainly due to economical causes, we cannot look with any reasonable hope to a purely political remedy.

* Lord Salisbury, at St. James's Hall, May 17th, 1886.

† November, 1888.

(c) That nobody wants Home Rule. The movement is not a national one, but depends for life on the land question ; were the land question settled, the Home Rule movement would speedily collapse.

(d) That the Irish people are coerced into supporting Home Rule by the action of agitators, whose power rests on boycotting and violence.

(e) That the desire for Home Rule is merely a sentimental grievance.

(f) That the Irish delight in political agitations, and manufacture grievances where none exist. Nothing will really content them.

53.—(a) That Ireland is not, and never has been, a nation.

(b) That if the question of nationality be raised at all, it cannot be denied that Ireland consists of two nations, and not one. Thus, if Home Rule be given to Ireland, Ulster, also, must have a separate Parliament.

54.—That the constitution of the old Irish Protestant Parliament was so entirely different from that proposed for the Irish Parliament of to-day, that no precedent for restoration can be founded on it.

55.—That, even with Home Rule, the Imperial Parliament would not be free of the Irish element, which would have to be represented, at least in Imperial matters ; that, thus, the Irish would have more than their fair share of political power, while one of the chief arguments for Home Rule—that the Imperial Parliament would be quit of the Irish members—would not be fulfilled.

56.—(a) That to yield Home Rule because of the difficulties of the present situation would be pusillanimous.

(b) That, as a matter of fact, Ireland does not “stop the way.” It has of late been conclusively proved that the government can legislate, though Home Rule be refused ;

and that Parliament is quite capable of coping with the constitutional difficulties which have in the past been thrown in the way of legislation, by the Nationalist members.

57.—That the concession of Home Rule would be a capitulation to sedition, violence, and crime—cowardly in itself, and creating a disastrous precedent.

58.—That the Americans, though for Party purposes they support the demands of the Irish, themselves entered on civil war rather than permit the secession of a portion of their empire.

59.—That the case for Home Rule is founded on “the mere unsupported assumptions of the maudlin optimism which passes for statesmanship in these days ;” * whereas the case against it is founded on undeniable facts, social, political and economical.

60.—That if Home Rule be conceded in the case of Ireland, the fever of disintegration will not stop there. Scotland and Wales will also be induced to demand Home Rule, and the bonds between the different portions of the United Kingdom will be disastrously weakened.

IRISH MEMBERS IN IMPERIAL PARLIAMENT.

It may be well to give the arguments for and against the retention of the Irish members in the Imperial Parliament, which will arise in reference to any measure of Home Rule for Ireland.

The exclusion of the Irish members from the Imperial Parliament is urged on the grounds :—

1.—That the supremacy of Parliament, and the unity of

* Lord Salisbury at Leeds, 18th June, 1886.

the Empire, would be fully maintained by the restrictions which could be placed on the power and discretion of the Irish Parliament.

2.—That as the Irish contribution to the National Exchequer would probably be in the nature of a fixed sum, which could not be increased without the Irish assent; as the Irish members would be excluded with their assent and at their desire; as the arrangement with reference to the collection of Customs and Excise would be a matter of mutual convenience, and as the Irish members would be recalled when any proposal were made affecting the taxation of Ireland, the question of taxation without representation would not arise.

3.—(a) That it would not be possible—and if possible, very inexpedient—to distinguish between Imperial matters, on which the Irish members would be entitled to a voice, and local matters, on which they would not. Yet, if this were not done, the Irish would obtain more than their fair share of representation; they would not only decide their own local affairs, but would practically control those of the rest of the kingdom as well.

(b) That, even if a distinction could be drawn between local and Imperial matters, the presence of the Irish members would be an element of disturbance in the constitution. The Government might be in a majority on local matters, where the Irish members could not vote, and in a minority on Imperial matters where they could vote, and vice versa.

4.—That it is possible to devise a plan whereby Ireland could maintain for her representatives a title to be heard on Imperial and reserved matters.

5.—(a) That to retain the Irish members in the House of Commons would keep up a feeling of irritation between the two countries. The temptation to the Irish to use

their Imperial representation as a means of obtaining further concessions for Ireland would be extreme.

(b) That the Irish members would come to Westminster to fight out Irish, local, and personal quarrels.

(c) That thus one of the chief objects of the concession of an Irish Parliament—namely, to enable the Imperial Parliament undisturbed to apply itself to British legislation and Imperial policy, would be defeated.

6.—That their presence would necessarily involve the revision by the Imperial Parliament of all the Acts passed by the Irish Parliament, a proceeding that would inevitably lead to endless confusion and dispute.

7.—That the essential condition of the problem is that the proposal should be accepted by, and be acceptable to the Irish people: and they do not wish to be represented in the Imperial Parliament.

8.—That Ireland will require the services of all her best men in her own Legislature, especially at first—to restore order, to re-establish credit, to attract capital, to develop trade and industry, to smooth over religious and educational difficulties, to settle the Land question. It is better that Ireland should, “keep her cream at home, and not only the skim milk.”

9.—That questions in dispute could always be settled by reviving the latent power of summoning back the Irish members to Westminster.

On the other hand, the proposal is objected to on the grounds:—

1.—(a) That to exclude the Irish members from the Imperial Parliament would cast a doubt on its supremacy, and would impair the unity of the Empire.

(b) That their presence at Westminster is an outward and visible sign of the supremacy of the Imperial Parliament, and the reality of the Union.

2.—(a) That with the Irish members included, the veto of the Imperial Parliament would be effective ; excluded, it could never be effectively enforced ; or, if attempted, the action would be considered as tyrannical.

(b) That, included, subjects of dispute would be amicably decided ; excluded, they would cause dangerous irritation and agitation.

3.—(a) That to call upon Ireland to contribute towards the Imperial revenue, without allowing her Parliamentary representation, would be an abrogation of the constitutional doctrine that taxation and representation should go together.

(b) That, without representation, the contribution would soon be looked upon as a “tribute,” and an agitation against its payment would arise.

(c) That exclusion complicates, while inclusion would simplify, any fiscal arrangements with reference to the levying of Customs and Excise duties, &c.

4.—(a) That exclusion, by depriving her of all concern in Imperial affairs, degrades Ireland to the position merely of a tributary Province ; that, though the present Irish representatives apparently do not object to this degradation, they cannot bind the constituencies either now or in the future. Sooner or later the degradation would be felt, and resented, and the Irish, in order to remove the reproach, would clamour for separation.

(b) That we have no right to strip Ireland of her Imperial titles, and to deprive her of all share in Imperial traditions or Imperial aims. The Empire belongs to the people of Ireland as well as to ourselves.

5.—That Great Britain cannot afford, in Imperial matters, to lose the assistance and advice of such a large proportion of her citizens.

6.—(a) That there would be no real difficulty in distinguishing between, and defining local and Imperial

matters ; Imperial matters would, in any case, have to be defined when the limits of the powers of the Irish Parliament were fixed.

(b) (By some.) That it would be possible to have different Sessions for Local and Imperial matters, the Irish representatives attending the one and not the other.

(c) (By others.) That no attempt should be made to reserve certain questions ; the Irish members, if included at all, should be on the same footing as the other members.

7.—That the duty of legislation is not a privilege but a responsibility, and there would be no unfairness to the English members in increasing the duties of the Irish members.

8.—That included, the concession of Home Rule would be a step towards Imperial Federation ; excluded, real Federation would be rendered impossible.

[There is a feeling on the part of many that the difficulty might be overcome by excluding the Irish members for a few years only, until their Parliament was in satisfactory working order.]

IRISH LOCAL SELF-GOVERNMENT.

Many, who are opposed to Home Rule, would be willing to concede a large measure of local self-government to Ireland, on the grounds :—

1.—That Parliament is overworked, and requires relief from the necessity of legislating on private and local affairs.

2.—That the necessity of bringing these matters before Parliament leads to much waste of time and money.

3.—That Parliament has already, at different times, divested itself of many of its functions, such as drainage, sanitation, constabulary, &c., and there would be nothing unconstitutional or dangerous in going yet further in that direction.

4.—That if in Ireland large, powerful, and representative local bodies were created to manage local and private affairs, all the advantages attendant on Home Rule (proper legislation for the country, increased intelligence, knowledge, sobriety of mind, &c.) would be attained, and the dangers (nucleus of revolt, clashing with Imperial Parliament, &c.) would be avoided.*

5.—(a) That at present everything is done for the Irish by the Central Government, or by non-elective persons, and nothing by themselves, and thus their self-reliance and power of application are weakened; while their local affairs, being directed from a distance and by a central body, are inefficiently and extravagantly managed.

(b) That to allow the Irish to manage their own local affairs would, by giving them an interest in public work, and by making them more independent, do much to render them more contented and loyal.

(c) That though, at first, mistakes would be made, perhaps injustice committed, these evils would soon work themselves out, and the ultimate results would be satisfactory.

6.—That there would be no difficulty in strictly defining the powers and limits of such local bodies.

On the other hand, the arguments already given, Nos. 51 and 52, pages 15 and 16 (Home Rule), are considered conclusive against any proposal further to extend the powers of local self-government to Ireland, unless it is intended at the same time to concede an Irish Parliament.

* Read section on Home Rule both for and against.

CHURCH AND STATE.

THE fundamental doctrines of the Church of England—which is Protestant Episcopal—were agreed upon in Convocation in 1562, and revised, and finally settled, in 1571 in the form of the Thirty-nine Articles. The Queen is the supreme head of the Church, and possesses the right of nominating to the vacant archbishoprics and bishoprics.

There is no official record of the numbers of the members of the Church of England, or of the other religious bodies. Since 1831 no official returns of the revenues and properties of the Church of England have been issued, it is therefore impossible to give any authoritative statement, or even estimate, of the extent and value of the Church property.

The Church Enquiry Commission, appointed in 1831 to enquire into the revenues and patronage of the Established Church in England and Wales, gave the number of incumbents as 10,718, of curates 5,230, total say, 16,000; the number of glebe houses at 7,675, and benefices without glebe houses 2,878, total benefices 10,553.

The total net incomes of Bishops and Archbishops	at	£160,300
”	”	Cathedral establishments ... 157,500
”	”	Beneficed clergy, and curates 3,480,000

showing a total revenue of, say £3,800,000.

The most carefully prepared statistical estimate of the existing revenues and property of the Church of England is

that of Mr. Fred. Martin in his "Property and Revenues of the English Church Establishment." *

The number of the clergy in 1875, according to an elaborate report compiled by Canon Ashwell from the "Clergy List," and other sources, and laid before a Select Committee of the House of Commons, was as follows :—

Church Dignitaries	...	...	...	172
Incumbents holding benefices	...	...	13,300	
Curates	...	...	...	5,765
			—	
Clergy in churches, &c.	..	..	19,237	
Ordained Schoolmasters and Teachers			709	
Chaplains, Inspectors, &c.	...	...	465	
Fellows of Universities, Missionaries, &c.			434	
" Unattached Clergy "	...	...	3,893	
			—	5,501
			—	
Total	...		24,738	

The revenues of the beneficed clergy, as given in the "Clergy List" for 1880, are as follows :—

	Number.	Total revenue.	Average revenue.
		£	£
Benefices under £50	...	167	5,747
„ from 50 to £100	...	854	71,265
„ „ 100 to 200	...	3,034	450,991
„ „ 200 to 500	...	7,289	2,298,598
„ „ 500 to 1,000	...	1,913	1,238,766
„ of 1,000 and upwards	268	329,824	1,230
„ not valued	...	334	114,194
	—	—	—
Totals	...	13,525	£4,395,251
			£325†

The ecclesiastical census of 1851 gives the latest official information respecting the number of religious edifices belonging to the Church of England, as follows —

* Edition, 1878.

† *Financial Reform Almanac*, 1881; Analysis of "Clergy List," p. 69.

				Number.
Churches existing at census of 1801	...	...	...	9,667
„ built between 1801 and 1811	...	...	...	55
„ „ „ 1811 and 1821	...	...	...	97
„ „ „ 1821 and 1831	...	...	...	276
„ „ „ 1831 and 1841	...	...	...	667
„ „ „ 1841 and 1851	...	...	...	4,197
„ „ at dates not mentioned	...	...	...	2,118

The number existing now is estimated at about 16,000.* Various statutes have from time to time been promulgated with the view of assisting the erection or repair of churches from the public funds. In 1679 a rate was ordered to be levied to rebuild the churches of the City of London destroyed during the fire of 1666. Three years later it was followed by an Act imposing a tax on coals for the re-building of St. Paul's Cathedral and fifty other churches. Other Acts, with like intent, were passed during the reigns of James II., William III., Anne, and George I.; and in 1818 an Act was passed "to raise the sum of one million sterling for building and promoting the building of additional churches in populous parishes." The census report of 1851 gave the following as the proportionate grants from public funds and private benefaction during the period from 1801-1851:—

		Grants from Public Funds. £	Private Benefaction. £	Total. £
Period 1801-1831	...	1,152,000	1,848,000	3,000,000
„ 1831-1851	...	511,400	5,575,600	6,087,000
Total	...	<hr/> £1,663,400	<hr/> £7,423,600	<hr/> £9,087,000

The Church Building Commission, established by the statute of 1818, during the 38 years of its existence ending 1856, aided in the completion of 615 churches, with sittings for 600,000 people. This Commission was in 1856 merged

* Martin, *Church Revenues, &c.*, ed. 1878, p. 98.

into the Ecclesiastical Commission, and from 1818 to 1879 the power entrusted to these bodies of forming new benefices and districts, was exercised to the extent of constituting 2,963 new districts. During the seventeen years, 1856 to 1874, the amount of benefactions offered by private individuals to the Commissioners, for the benefit of the church, amounted to £5,000,000.

In 1876 an official return was issued of churches built or restored since the year 1840, at a cost exceeding £500. The return (which was very imperfect) showed that, during these thirty-five years, 1,727 churches had been built, and 7,144 restored, at a cost of £25,500,000, or about £700,000 a year; and this sum was derived from voluntary offerings.

Mr. Martin estimates the number of glebe houses at 10,000, and their annual value at about a million sterling. The number of benefices producing tithes, (inclusive of lay impropriations) also at 10,000, with a total tithe of £4,500,000 a year.* The titheable land is about two-thirds of the whole. At the end of 1866—according to a Parliamentary return—the total rent-charge awarded in commutation of tithes amounted to £4,050,000. The levying and assignment of tithes has given rise to a vast amount of legislation, dating back as far as the ninth century.

The revenues which the Church derives from pew rents, offertories, and gifts cannot be estimated; they are of course purely voluntary offerings. It is estimated by the editor of the "Official Year Book" of the Church of England, that between 1860 and 1884 the voluntary contributions for sectarian purposes of members of the Church (including elementary education £21,360,000 and foreign missions £10,100,000) amounted to £81,573,000.

* *Ib.*, pp. 107-108.

The summary of Church Property given by Mr. Martin is as follows, in round numbers :—

Landed Property (from the “ New Domesday Book ”) :—

Of Archbishops and Bishops	...	...	30,200 acres
“ Deans and Chapters	...	...	68,900 ”
“ Ecclesiastical Commissioners	...	...	149,900 ”
Under-valuation, omission of Metropolis, etc.	...	...	250,000 ”

say 500,000 acres.

Revenues :—

			£
Annual income of 2 archbishops and 28 bishops	...	...	163,300
“ ” 27 chapters of deans and canons	...	...	123,200
“ ” incomes of parochial clergy ministering in 16,000 Churches or Chapels, chiefly derived from tithes	...	...	4,277,000
			4,563,500
Annual value of 33 episcopal palaces	...	...	13,200
“ ” deaneries, etc.	...	...	56,800
“ ” glebe houses and of parochial clergy	...	...	750,000
			£5,383,500

This total is exclusive of extra-cathedral revenues, of disbursements of Queen Anne’s Bounty, of surplus income of Ecclesiastical Commissioners, estimated together at about £750,000. The total annual revenue may therefore be estimated at about £6,000,000, and the capital value at not less than £100,000,000.*

There exists no basis of any kind on which to define, to distinguish between, or to estimate, the “ old ” and the “ new ” endowments of the Church.

* *Idem*, pp. 133-136. On the same basis Mr. Arthur Arnold, in his *Business of Disestablishment* (1878), elaborately estimates the total revenues of the Church (irrespective of voluntary contributions) at £6,500,000 a year, and the capitalised value at £158,500,000.

It may be of interest to recapitulate the principal features of the Disestablishment and Disendowment of the Irish Church, so far as these would be likely to affect action in the case of the Church of England.

The Irish Church Act of 1869 provided that (1) the Church of Ireland should cease to be established by law ; (2) That no appointment to any preferment should in future be made by the Crown or the Ecclesiastical Corporation ; (3) That every Ecclesiastical Corporation should be dissolved, and that the Bishops should no longer have the right of sitting in the House of Lords ; (4) That the jurisdiction of the Ecclesiastical Courts should cease ; (5) That the Church should be permitted to hold Synods and Conventions for framing regulations for the general management and government of the Church. But no alterations thus made in the ritual of the Church were to be binding on the existing incumbents.

A Commission was appointed, with full powers to carry out the Act, and in them was vested, (1) all the property of the Ecclesiastical Commissioners of Ireland, (2) all the property, real and personal, of the Church, subject to the life interest of the present holders ; (3) The nett incomes of the existing holders was to be ascertained, and to be annually paid to them so long as they performed their duties. (4) The nett income of each curate was to be paid him ; or the life interest, subject to the consent of the incumbent, could be commuted and paid to him in a lump sum at the ordinary rate of life annuities. (5) The nett income of each schoolmaster, clerk, sexton, &c., was to be ascertained, paid him, or commuted. (6) Tithe rent-charges could be commuted, on easy terms, at $22\frac{1}{2}$ years' purchase ; (7) The land vested in the Commissioners could be sold, and the existing tenants were to be offered the refusal of purchase on easy terms. (8) Any person feeling aggrieved by

the action of the Commissioners, could refer the question to arbitration.

A representative “Church Body” was incorporated by Law, and the Commissioners were empowered to deal directly with this Body, and to commute through them the annuities and life interests in ecclesiastical property created by the Act; the Church Body being bound to undertake the payment of the full annuity, so long as the annuitant required such payment to be made, though they could make any private arrangements they liked with him. Where three-fourths of the whole number of annuitants in a Diocese agreed to commute, the Commissioners were to pay to the Church Body a bonus of 12 per cent. on, and in addition to, the commutation money. The commutation moneys to be calculated at the rate of $3\frac{1}{2}$ per cent.

As an equivalent for the private endowments of the Church, the Church Body received £500,000. All the plate, furniture, &c., belonging to any church or chapel, was left for the life enjoyment of existing incumbents, but was vested in the Church Body. All trusts for the poor were also vested in this Body, and were to continue unaffected.

As regard the ecclesiastical buildings:—

(1) All old churches in the nature of national monuments were to be maintained by the Commissioners. (2) Churches in actual use, and required for religious purposes, were, together with the schoolhouse and burial ground, to be vested in the Church Body. (3) Any church erected since 1800 at the expense of a private person, if not taken over by the Church Body, and if applied for by the donor or his representative, was to be vested in him. (4) All other churches were to be disposed of by the Commissioners as they thought best. (5) Any burial ground, not vested in the Church Body, was to be vested in the Poor Law Guardians, and be kept in repair by them. (6) Any ecclesiastical residence and with

garden ' curtilage ' could be purchased by the Church Body at ten years' purchase; in addition they could buy, at a price to be settled by arbitration, an additional 30 acres.

The capital sum, representing the commutation of annuities, paid over to the Church Body, amounted to £7,560,000, the number of annuitants being 2,060; the annuities, for which the Church Body thus made itself responsible, amounted to £591,000; the number of years' purchase averaged 12·8; the age of annuitants averaged 56.

The annuities for which the Church Body were liable thus amounted to an equivalent of eight per cent. on the capital received. The Church Body were enabled to invest the money at four per cent., and the laity, responding to their call, subscribed the remaining four per cent., required in order that, while the annuities should be paid, the capital should be kept intact.

Subsequently, when it appeared that many of the clergy were superfluous, the Church Body further commuted directly with these persons, but on terms less favourable than that of the general commutation. Thus, by 1877, the number of annuitants was reduced to 1052, and the composition balance acquired by the Church amounted to £1,300,000.

DISESTABLISHMENT.*

The proposal to sever all connection between Church and State, both in Scotland, Wales, and England, is upheld on the grounds :—

1.—That the objects of the State and of the Church do not

* The arguments for and against Disendowment must be taken along with those for and against Disestablishment.

run on parallel lines. The law regards certain actions as crimes, and forbids them for the sake of the Community; Religion regards them as sins, and forbids them for the sake of the Individual himself.

2.—That as all men are not religious, while all are equally desirous to be protected by the State, it should not mix up its Civil with its Religious functions; but should be purely secular.

3.—(a) That the National Church was in former times founded on the idea that all citizens were of the same creed; she thus expressed a national faith, and aimed at national unity of belief, and uniformity of worship. Such aims are no longer attainable; and “establishment” now merely means the exclusive alliance of the State with one religious denomination amongst many, together with a State assertion that that particular form of religion is the only true one.

(b) That when the king was supreme governor over both Church and State, their connection was a natural consequence. But now, that the Sovereign is no longer ruler by Divine Right, and Parliament is omnipotent, the connection has become an anomaly; it is “trying to work the Tudor supremacy through manhood suffrage.”

(c) That so long as the Church is connected with the State, the higher ecclesiastical rulers must be appointed on the advice of the Prime Minister, who is not necessarily a member of the Church of England, is possibly not even a Christian; while many “livings” will remain in the gift of the Crown, of the Lord Chancellor, or of the Chancellor of the Duchy.

4.—(a) That the connection of Church and State causes, not the spiritualization of the State, but simply the secularization of the Church; where political and ecclesiastical

powers are exercised by the same hands, the former are sure to prevail over the latter.

(b) That an Established Church is a Church in fetters. The law is not only the last, but the first resort in all ecclesiastical differences—to the great spiritual disadvantage of the Church.

(c) That as long as the Church is bound up with the State it must be controlled in every particular by the State, *i.e.*, by Parliament; and Parliament, being increasingly composed of members of divers sects and creeds, many of them hostile to the Establishment, or even to religion, is a body eminently unfit to govern the Church, or to legislate on religious questions.

(d) That being thus tied and bound in every way, a State religion tends to become colourless, stereotyped, and antiquated; it loses its touch with, and hold over the people, and no longer attracts to its service able and broad-minded men.

(e) That, consequently, on the one hand, apathy, and on the other, narrow-mindedness and sacerdotalism, are rapidly increasing in the Church; while, if she were Disestablished, and free to manage her own affairs, her doctrine would be placed on a broader and freer basis.

5.—That it is contrary to religion that the secular power should have any voice at all in religious matters; the Church ought in no way to be placed under the control of the State. It is thereby as likely to be fostering error as to be upholding the true form of religion.

6.—(a) That if the Church is unable to hold her own without State support, it proves that she is rotten to the core—and if rotten she ought to be swept away.

(b) That the Church will either hold her own, and no harm will be done; or else the State is artificially supporting

a religious system which could not otherwise exist, because out of harmony with the wants and spirit of the age.

7.—(a) That religious equality does not mean equality of sects, but equal treatment of all sects by the State.

(b) That while the State should be tolerant of all religious sects, it ought not to choose out for support any special Denomination. In so doing, the State outstrips its true field of work, and trespasses on freedom of religious thought, and on the principle of religious equality, if not directly, at all events indirectly. For State recognition of a special Church, by taking her under protection, by ensuring her the possession of vast property, by placing her ministers in a position of superiority,* places those who do not belong to her communion, or who desire to leave her fold, in a position of exceptional pecuniary and social disadvantage.

(c) That this direct and indirect pressure to remain in, or to join the State Church, is an injustice to other Churches ; and all State institutions should be founded on the principle of impartial justice.

8.—(a) That the State recognition of one Denomination injures those whom it favours, and depresses and angers those whom it wrongs—whereby religious strife is perpetuated.

(b) That if dissenters were relieved from an irritating injustice, and churchmen deprived of a position of superiority, religious differences would lose much of their sting, social exclusiveness would be diminished, and the artificial

* For instance, the Bishops sit in the House of Lords, “ the Church dignitaries and the Clergy exercise authority vested in them by the State. They alone can conduct religious services of a national character, and can occupy the pulpits of cathedrals and other national ecclesiastical edifices. They are the chairmen of parish vestries, trustees of parochial charities, and custodians of the ancient parochial burial places. They hold the greater part of the chaplaincies, the masterships of public schools, and school inspectorships, and largely control the educational machinery of the country.”

—*Disestablishment*, by Henry Richard and Carvell Williams, p. 73.

barriers which now keep good men apart would be broken down.

9.—That under the present system the Church is in a state of anarchy ; none govern, and none obey ; rules and regulations cannot be enforced.

10.—(a) That, under the present system, presentations to Church livings are bought and sold, quite irrespective of the fitness of the clergyman or the wishes of the congregation.

(b) That the presentation to livings is in very many cases in the hands of unfit patrons.

11.—(a) That the congregation have no power of choice in their minister, nor control over those who appoint him ; once appointed, unless he commit an illegal action, neither they, nor the bishops, have power to free themselves from him, however objectionable he may be to them either in doctrine or habit.

(b) That thus, in many parishes, there are incumbents utterly unfitted for their duties, either through physical incapacity, or because of want of sympathy with their parishioners—to the great detriment of the Church and of religion.

12.—That there is no hope of remedying this state of things by internal reform, because Churchmen will not accept, and non-churchmen are not concerned to press for, Church Reform.

13.—That the Church, as a State Church, has failed to do the good which from her position, privileges, and wealth, she ought to have done.

14.—That, at present, the Church is not a real Church of the people—it is not founded on popular sympathy and esteem.

15.—(a) That while there is great force in the “priest in the parish” argument, as affecting the country districts,*

* See No. 5, against Disestablishment.

the clergy, as a matter of fact, have on the whole neglected the agricultural labourer and the poorer classes, have taken but little interest in their temporal welfare or social improvement, and have purposely kept them in a state of political ignorance and darkness.

(b) That the so-called “civilizing agency” does not civilize, as witness the ignorance, the apathy, and social stagnation of very many country districts.

16.—(a) That instead of taking up a catholic position, and welcoming help in spiritual improvement, the spiritual influence and energy of these clergy is chiefly directed against Dissent.

(b) That they have, as a rule, used the charities and funds placed at their disposal as “fetters to bind in slavery and serfdom the poor mendicants to whom they administer the charities;”* while these are too often so administered as to have a most demoralizing effect.

17.—That where the clergy have been benevolent and civilizing, their influence for good has arisen from their being good men, and ministers of religion, not from their being State servants. The good results that have ensued, have come about, not in consequence of the connection between Church and State, but in spite of its narrowing and numbing influence.

18.—That the opinion of those chiefly affected is clear from the fact that most of the new voters (enfranchised in 1885) are in favour of Disestablishment. They are now for the first time in a position to make their opinion felt, and it is clearly very adverse to that State Church which is supposed to exist for their special benefit.

19.—That no real fear need be entertained that the poor would be neglected by the church, if it became a voluntary church. The existing voluntary bodies certainly do not

* Joseph Arch, at Sheffield, Feb. 1, 1876.

neglect the very poor; and many of them (especially in Wales) are composed almost exclusively of the working classes.

20.—(a) That “Establishment” and “Church” are not synonymous terms. Disestablishment would not affect (except to increase) the power of the church to do good: it would affect only her legal and political position.

(b) That the real sources of the power of the Church of England lie in her doctrines, her modes of worship, her organization, her self-sacrificing ministry, her zealous and generous laity, not in the fact of the Headship of the Crown, the Bishops in the House of Lords, the legal privileges of the Clergy, Acts of Parliament, &c.

(c) That Disestablishment would not destroy the machinery of the Church and is a gross libel on the Church, and on the religious feeling in England, to assert that the Church, if disestablished, would abandon its work. If the country continues religious, Disestablishment will not tend to make her irreligious.

21.—(a) That there is much more vitality in a religion voluntarily supported, than in one largely endowed.

(b) That the frequent abridgments of the prerogatives of the Establishment which have taken place of late years have been contemporaneous with an increase in her spiritual strength and voluntary support.

22.—(a) That if the Church were liberated from the shackles now laid upon her by the State, she would be freer to do good, would be able to consolidate her forces, and to distribute them more according to the needs of the people. At present she too often squanders her strength in places where it is out of all proportion to local requirements, or even does more harm than good, and this simply because of the existence of a “living.”

(b) That under a voluntary system, if a clergyman did not work, neither would he be paid : at present much money, which should be devoted to religious purposes, is absorbed by *fainéants*.

23.—(a) That the withdrawal of State recognition from the Church, by placing her on a more even footing with her competitors, would increase friendly rivalry and competition, would tend to make each and all bestir themselves ; and religious life would be quickened and extended. The less the State does, the more will voluntary effort accomplish : ease weakens, hardship strengthens religious zeal.

(b) That there would be less religious persecution and more hearty co-operation between the different sects.

(c) That the members of the Church, who now have comparatively few calls upon them, would be induced to subscribe largely to her funds.

(d) That, thus, instead of the neglect of the poor anticipated by some, there would be active competition to enlist their sympathies, and not, as now, an assumption that they belonged to the State Church.

24.—That the fear some express lest the sacred buildings should be put to unseemly uses, is simply preposterous. The natural religious and reverential feeling of Englishmen is totally opposed to any such desecration ; and, as it would rest with Parliament to determine the ultimate disposal of these buildings, Parliament may be trusted to act in accordance with public feeling. Moreover, the churches would as a rule still remain the property of the Church of England.

25.—That in a Disestablished Voluntary Church the laity would obtain the influence and the voice in Church matters to which they are entitled, and of which they are at present deprived.

26.—(a) That the governing Church Body of the Disestablished Church, constituted as it would be with a majority of its members laymen, would fully represent the views of the laity; and, while keeping the clergy in check, would be able to initiate reforms where thought expedient, both in doctrine, discipline, and administration. At present, even though laity and clergy agree, the Church herself is utterly impotent to effect much-needed internal reforms. Substantial reforms, even in minute particulars, still less in great matters, cannot be adopted without the cumbrous machinery of an Act of Parliament; the result being that they are left undone.

(b) That such a Church Body, composed as it would be of able, zealous and educated Churchmen possessing administrative ability, wealth and influence, would be a body eminently suited to manage Church affairs.

(c) That the form of worship would be made more elastic, and the ritual would be better adapted to the times.

(d) That promotion would be more according to merit. Patrons would disappear, and congregations would seek out efficient men; while the Central Body would be in a position to compare the merits of individual clergy.

27.—That the disestablishment and disendowment of the Irish Church has proved in every way a satisfactory precedent.

28.—That the non-existence of an Established Church in America and the Colonies has been attended by many advantages.

29.—(By some.) That, at present, instead of the Church being a bulwark against Papal aggression, she has become a nursery for Roman Catholicism.

30.—That the question of the Protestant succession is in these days a matter of small moment.

31.—(a) That the Established Church (more especially

with regard to Scotland and Wales) is the Church of a minority, and the numbers of her flock are diminishing.*

(b) That unless an Established Church is the Church of a majority—of an overwhelming majority—her existence cannot be justified.

32.—(a) That the influence of the Church of England, as an Establishment, has always been in opposition to the fuller and freer development of national life.

(b) That the State-paid clergy form a compact and powerful force always opposed to progress.

33.—That it would be a great relief to the overworked Parliament to be entirely free from all ecclesiastical questions.

34.—That if the reform is to come, it is better to prevent excitement and bitterness on the subject by calm anticipatory legislation.

The connection between Church and State is upheld on the grounds :—

1.—(a) That the State, as a State, while practising absolute toleration, must be religious, and must therefore profess and uphold some religious faith.

* This is denied, at least as regards England. There are, however, no official figures on which can be founded any calculation of the relative numbers of the Church and of Dissent. "The Public Worship Census" report of 1851 (the last taken) can hardly be relied upon as sufficient evidence, and is now certainly out of date. It showed, however, that while in 1801 the provision of sittings in places of worship in England and Wales was

Church of England ...	...	...	...	4,069,281
Other places of worship ...	...	...	...	963,169
				<hr/> 5,032,450

In 1851 the relative numbers were—

Church of England ...	...	...	...	5,317,915
Other places of worship ...	...	...	...	4,894,648
				<hr/> 10,212,563

The latter with a population of 18,000,000.

(b) That to break the connection between Church and State would be to discourage religion, and to encourage atheism.

2.—(a) (By some.) That each man is bound to yield up his mind to the teaching of the Church, and has no right to choose out another faith for himself ; or, at any rate, has no claim to have his dissent recognized by the State, which, being in union with the Church, professes her faith and none other.

(b) (By others.) That though the State may tolerate, it must in no way recognize dissent from the Established Church.

3.—That it is better that religious worship should be regulated by the law, than that it should be left altogether to individual clergy.

4.—That as an Established Church is a vital part of our institutions, and bestows great blessings on the whole people, the advantages of its existence more than counterweigh the consequent disadvantages of religious inequality.

5.—(a) That so long as there is an Established Church, every individual in the kingdom, whether he belong to any denomination or no, who may be suffering from spiritual distress, has an official spiritual councillor to whom he has a right to apply ; and a Church accessible to him for all purposes of worship.

(b) That not only in religious matters, but in every-day life, the existence of a State-paid clergyman to whom every parishioner can apply is an enormous advantage, especially to the poorer classes ; and a guarantee of social progress.

(c) That the poor gain greatly from the parochial system ; under it the clergyman is the dispenser of the gifts and philanthropy of the rich for the benefit of the poor.

6.—That the vast majority of the people are directly or indirectly attached by some tie to the Church. The tie being less binding than would be the case in a voluntary association, many persons, to their spiritual advantage, can belong to the Church so long as it is in connection with the State, but not otherwise.

7.—That under a purely voluntary system the clergy would be only really accessible to the members, or possible members, of their flocks ; their public functions would disappear.

8.—(a) And, that, as the different churches would be sustained by voluntary subscriptions, the clergy would have to bid for the support of those with means. This “begging system” would degrade the character of the clergy ; and their time and attention being thus largely absorbed, the poor, the indifferent, those who cannot or will not contribute, those in short who are especially in need of spiritual aid or seasonable advice, would be perforce neglected.

(b) That a clergyman would have to devote himself to the preaching of popular sermons, and would perforce neglect his functions as a minister and servant of the poor.

9.—That under every voluntary system the clergy tend to become more and more mere servants of their congregations, and much freedom of thought, liberty of ideas, and elevation of mind, are thus suppressed and lost. Union with the State is the only way of securing real freedom of jurisdiction to the Church as a whole, and of preventing intolerance and narrow-mindedness.

10.—(a) (By some.) That the Church would be impoverished, and only able to offer small stipends, and would therefore attract a lower and less educated class of men to her ministry, and religion would grievously suffer in consequence.

(b) And that she would, through lack of means, be obliged

to a considerable extent to contract her operations, both religious and educational, with the same disastrous results.

(c) That in many parishes the clergyman is the sole centre of civilizing influence; disestablishment, by contracting the operations of the Church, and by attracting a less educated class of men, would injuriously diminish this invaluable influence.

11.—(a) (On the other hand, many are possessed with the idea) That the disestablished Church Body being left, as it would be, with large and uncontrolled powers, and having at its disposal a very considerable capital,* would inevitably tend to become an exclusively, or predominantly, clerical body; the control of the State over the clergy can alone uphold the interests and influence of the laity.

(b) That those who differed from the dictum of the Church Body would be driven out of the fold, and the Church would split up into innumerable fragments; intolerance and strife would be increased and perpetuated.

(c) That the connection of Church and State is the best guarantee that the religion of the country will be kept broad and comprehensive; while it secures a certain amount of liberty and freedom from ecclesiastical tyranny and dogmatism.

12.—(By some.) That the existence of such a wealthy, powerful, and independent body as the Church would become if disestablished, might be dangerous to the Commonwealth itself.

13.—That if the Church obtained perfect independence of action, her conflict with Dissent would be sharpened and embittered.

* Mr. Gladstone (May 16, 1873) made a computation that, if the disendowment of the Church of England were carried out with the same liberality as that of the Irish Church, she would be left with a capital of £90,000,000,

14.—That as all religious disabilities are now removed ; and as every one is free to remain in the Church, or free to leave, and as her ordinances are not forced on any person, the presence of an Established Church in no way affects the question of religious liberty or equality. The supposed hardship is, therefore, no more than a sentimental grievance.

15.—That the grievances of the Dissenters are at the best merely sentimental ; and any sectarian grievances which still remain, can be better remedied by Reform than by Disestablishment.

16.—That admitted scandals or anomalies, or anachronisms in Church doctrine, discipline or administration, can be remedied, and are more likely to be remedied, if the Church retains her connection with the State.

17.—(a) That the Church of England, established or disestablished, will always be superior to other sects by reason of the culture of her clergy, and the better social position of her members.

(b) That, disestablished, the clergy of the Church would tend to become still more of a caste than they are at present ; “social exclusiveness” would not be diminished.

18.—That the Church may, in the past, have been apathetic, but her members are now active, devoted, zealous and liberal.

19.—That with the question of Disestablishment is necessarily connected the question of Disendowment ; and the difficulties attending the possession of the Church buildings, the commutation of endowments, &c., are insuperable.

20.—(a) That it is intended by the Liberationists to drive all the clergy out of their parsonages, and to put the sacred buildings to unseemly uses.

(b) That those who clamour for Disestablishment are

simply actuated by a desire to rob the Church of her possessions.

21.—That the position of the Church of Ireland—a very small Protestant minority and an enormous Catholic majority—was in no way analogous to that of the Church in England ; its disestablishment forms therefore no precedent.

22.—(a) (The argument which is urged against every reform is also used in this case)—That other institutions are threatened and weakened if one is pulled down.

(b) That Disestablishment would dangerously touch even the tenure of the throne ; the Establishment and the Monarchy are necessarily linked, while Voluntaryism is Republican and Democratic.

23.—(By some.) That if the Church of England is weakened at all the Roman Catholic Church will gradually become the most powerful denomination, and will obtain supreme sway in religious matters : while the Protestant succession, being necessarily abrogated, the State might also fall under that sway.

24.—Many, without defending the principle of an Established Church, refrain from seeking to sunder the Church from the State, on the ground, that the constitution is full of anomalies, and that institutions that have grown with the nation's growth, ought not to be torn down simply for the sake of theoretical perfection.

25.—And others, while equally denying the principle of the union of Church and State, are in favour of retaining the existing state of things, on the ground, that any attempt to sever the connection would cause endless confusion, strife and heart-burnings, especially in the matter of disendowment. It is better to leave bad alone than run the risk of making it worse.

[There is a large class who—not wishing for Dis-

establishment if the Church can be reformed, or will reform herself—desire to see her remodelled on a more popular basis, that she may be made wide enough to include all English Christians; holding the principle, that the Established Church was made for the people, and not the people for the Established Church.*

On the other hand, it is contended that, though undoubtedly, and with advantage, the foundations of the Church might be broadened, mere reform would never enable her to comprehend within one fold the different religious sects.]

DISENDOWMENT.†

Together with Disestablishment is raised the question of Disendowment: namely, to what extent the Church, if Disestablished, should be allowed to retain her present possessions; or how far they ought to be appropriated by the State and applied to other purposes.

Those in favour of a certain measure of Disendowment uphold their proposals on the grounds:—

1.—That the Church being a State Church, all her possessions are national property; and that, strictly speaking, the State would be justified in appropriating the whole, subject to existing life interests.

2.—(a) That most of the Churches, and all the Cathedrals and Abbeys, are distinctly national property.

* See “*Church Reform*” (Imperial Parliament series), by Albert Grey, Canon Freemantle, and Geo. Harwood,—Revs. S. Barnett, C. W. Stubbs, G. L. Reaney, and L. Davies.

† See also the arguments for and against Disestablishment.

(b) That the present Church has no prescriptive right to her old endowments. They belonged to the Roman Catholics, and were appropriated by the State; if therefore they belong of right to any Church, it is to the Roman Catholic Church.

(c) That the Church has equally no private right to her more modern endowments, which were presented to her—as the Protestant Church—when she included all or most Protestants. These endowments were intended for the use of the nation and not for that of a particular denomination; they belong therefore to the nation.

(d) That tithes, which constitute the chief support of the Church, were in no way voluntary offerings, but were imposed by the State for the support of a National Church; and should therefore revert to the State in case of disestablishment.

(e) That, moreover, the poor are legally entitled to share in the tithes.

3.—(a) That the endowments of the Church represent to a large extent merely the appropriation of public property to certain ecclesiastical purposes.

(b) That the proof that the endowments of the Church are national property, is shown from the fact that no part of them can be appropriated or applied to any fresh purpose except by Act of Parliament. The recipients of the annual revenues are, moreover, simply public functionaries; their number, the mode of their appointment, the creed they shall hold, the services they still conduct, the allocation of their incomes, are determined by the State.

4.—(a) That the property of the Church of England is in the nature of a public trust; the State is, therefore, justified in treating it as national property, and in applying it to national purposes.

(b) That the property of the dissenting bodies is held

under private trusts, and the State (except in so far as the ordinary law is concerned) has scarcely any voice in, or control over, their disposal.

5.—That the action of the Ecclesiastical Commissioners (created by Parliament) in throwing much ecclesiastical property into a common fund, has entirely subverted the theory that Church property is simply the property of the several local Churches, &c.

6.—That the action of Parliament in regard to the endowments of the Church of Ireland, and the application of the Surplus Fund to secular purposes, is a precedent which proves that the State may, and can with advantage, apply Church endowments to such purposes as it thinks fit.

7.—That the endowments given to the Established Church — either by public or private liberality — should not be applied for the benefit of one religious body within the nation only, but should be applied for the benefit of the whole community.

8.—(a) That modern voluntaryism has made the Church far less dependent than formerly on her ancient endowments, while Disestablishment would tend to economize her resources.

(b) That the congregations of the Church constitute the richest part of the nation ; yet they are now scarcely called upon for her support. If the Church were left to take care of herself, they would—as the Dissenters in their own case do—gladly contribute to maintain or extend her present scale of operations.

9.—(a) That the question of the future of the Churches and Cathedrals is only a detail, and should not stand in the way of the acceptance of the principle of Disendowment. Details can always be settled on a just basis afterwards ; while, in the case of the Irish Church, similar difficulties were successfully surmounted.

(b) That there would be no devastation of the Churches, nor hardship to individual incumbents. Disendowment would be only gradual; all life interests would be scrupulously respected, and the Church would be allowed to retain her recent endowments.

[It is generally allowed that the Church, if disestablished, must be dealt with generously in the matter of her endowments; and that she (or the individuals interested) can fairly claim to receive a certain number of years' purchase of her revenues, the State appropriating only the balance. It is usually contended, however, that the terms given in the case of the Irish Church were too liberal*; and that the greatest care must be taken to prevent abuse of the powers of "commuting, compounding, and cutting."]

On the other hand, it is contended that if disestablished, the Church must be allowed to retain all her present possessions, without deduction, on the grounds:—

1.—That the State is bound to secure all property to its owners; and the emoluments of the Established Church are strictly and legally her own property.

2.—(a) That all endowments have been given to the Church as such—while most have been given to her as a Protestant Church—and are therefore her absolute property, and to dispossess her would be robbery and sacrilege.

(b) That practically, with the exception of some trifling sums, none of the endowments of the Church have come from the State; the Church costs nothing to the nation as such.

3.—That if the Church of England be disendowed, there must be concurrent disendowment of all other religious sects: they all hold their property on the same tenure.

* See page 39,

4.—That whatever may be the advantages of Disestablishment, it cannot be right to divert any of the funds now applied to religious purposes, to other uses.

5.—That enormous difficulties—especially in connection with the sacred buildings—would arise in endeavouring to carry out any scheme of partial Disendowment.

SCOTCH DISESTABLISHMENT.

In addition to the arguments already mentioned, most of which apply equally to the question of the English, Scotch, and Welsh churches, it is contended by those in favour of the Disestablishment of the Scotch Church :—

1.—(a) That the vast majority of church-going Scotchmen are not members of the Established Church.*

(b) That, in many parishes, the congregation attending the Established Church is grotesquely small.

2.—That the Established Church is simply one section of the Presbyterian Church of Scotland; and her recognition by the State is the chief bar to the reunion of the several branches of that Church—a reunion which would result in great economy of power and resources.†

3.—That, more especially in Scotland, this sectional

* It was estimated in 1872, that, in Scotland, out of a population of 3,400,000, only 1,063,000 were members of the Established Church. On the other hand, it is asserted, that the Church, since the disruption of 1843, has added and endowed 340 Parish Churches (usually with manses), at a cost of £2,200,000, and that it has shown greater vitality and increased in numbers and influence in a greater degree than the other Churches.

† On the other hand, it is denied that any scheme of Disestablishment would lead to reunion,

Church has possession of national funds which were never intended to be used in providing religious ministrations for one portion of the people only.

4.—That the Church of Scotland was established for the purpose of looking after the poor and promoting education, as well as for religious purposes ; and she has now been relieved from the two first duties.

5.—That the Scotch Established Church is constituted on an entirely different basis to the English Church—being “spiritually and ecclesiastically autonomic.” That, therefore, disestablishment in Scotland could be accomplished without difficulty, and would not affect the question of disestablishment in England.

6.—That Scotland is ripe for, and desirous of, disestablishment.

WELSH DISESTABLISHMENT.

As regards Wales, it is also contended :—

1.—That in Wales the Church of England is an alien Church, a “Church of Conquest,” which has never taken root, nor succeeded in winning the love and loyalty of the people.

2.—(a) That the Dissenters vastly outnumber the members of the Established Church, and the growth of Dissent has been most strongly marked.*

* In 1676 the population of Wales was 402,250, of whom 391,350 were Church of England, and 11,000 belonged to other Churches. In 1851 it appeared that for a population of a little over 1,000,000, the Church of England had accommodation for 269,000 persons, and other Churches for 600,000 persons. It was estimated in 1881, that out of a population of 1,574,000, about 300,000 belonged to the Church of England and about 1,000,000 were Nonconformists.

(b) That, while Dissent has made enormous headway, the Established Church has carried out its duties in a perfunctory and slovenly manner, and has been a hindrance, rather than a help, to the evangelization of the Principality.

3.—That, in Wales the Episcopalian minority comprises the richer classes, the Nonconformist majority the poorer classes. Thus the Church, which alone receives public aid,⁺ is the Church of the rich, not of the poor.

4.—That, therefore, whatever may be the case in England, the arguments are overwhelming in favour of disestablishment in Wales.

5.—That as, in such matters as Education, Sunday Closing, &c., separate legislation has been instituted for Wales, there is precedent for dealing separately with the questions of Welsh and English Disestablishment.

+ It does not receive public aid
The clergy of the Church are not state
orсады

ELEMENTARY EDUCATION.

THE interest of the State in Education is one of purely modern growth, and only dates back to 1832. Up till then the supply of elementary education had been left entirely to voluntary agencies. In that year, however, the eyes of the nation were partially opened to the educational destitution of the country, and it was determined to subsidise the voluntary agencies ; and an annual sum of £20,000 was voted for the purposes of elementary education. This sum was expended in giving grants in aid of the erection of schools, which schools were, however, to be in connection with the two great voluntary bodies,—the National Society (Church of England), founded in 1811, and the British and Foreign School Society (Unsectarian), founded 1808. In 1839 the Committee of Council on Education was formed, and £30,000 a year was voted for educational purposes, a sum which was gradually increased to £100,000 by 1846.

In 1846 the Committee of Council on Education instituted grants, of not less than £15 or more than £30, to teachers, in augmentation of the salary paid by the managers, on condition of their obtaining a certificate of merit on examination. They also encouraged the training of pupil teachers by granting aid to the training colleges, and by directly paying stipends to the pupil teachers themselves. By 1850 the number of schools under inspection had increased to 2,000, and the accommodation to nearly 500,000 places.

In 1853, when the grant amounted to £160,000 a year, it was found, that, though by the help of the Government building grants many schools had been established, their maintenance from purely voluntary sources was often precarious, and inadequate to their proper support; additional subsidies were, therefore, given to rural districts in the form of capitation grants on the attendance of children, and in 1856 these were extended to town districts as well. By 1861 the number of children in average attendance in the assisted schools, 6,900 in number, had increased to 700,000, with 920,000 on the books, and the total grant to £840,000 a-year, of which about £500,000 was for "maintenance." At the same time some 1,250,000 children were on the books of unassisted schools. In that year, consequent on the Report of the Duke of Newcastle's Commission, the system of State payment was altered, and under the Revised Code (Mr. Lowe's), grants were first given for the individual examination of children, while at the same time direct payment to the teachers by the State was abolished.

Thus step by step the State found itself obliged to come to the aid of those who were endeavouring to provide elementary education. Yet, in spite of these aids, it was found in 1870 that, though the number of children provided for amounted to over 2,000,000, those in no way provided for still amounted to over a million; and the nation at last appreciated the necessity of having a school place for every child, and every child in its place. It became evident that, to attain the former of these ends, the voluntary system must be supplemented by a national system; and the question arose whether this public system should be directed from a centre, and the cost be defrayed from the taxes, or whether each locality should provide its own educational necessities, with the assistance of grants from the consolidated fund.

The result of the discussion was the establishment

of School Boards to supplement the deficiencies of the voluntary system ; and the support of Board Schools from rates, taxes, and fees.

To secure the full attendance of the children at the schools provided for them, compulsion became necessary. The extension of compulsion has taken place gradually ; at first, in 1870, permissive compulsion was introduced in School Board districts,—School Boards might enact and carry out bye-laws if they chose ; secondly, in 1876, permissive compulsion was extended to all districts, and in addition, the declaration was made, that “ it is the duty of the parent to cause his child to receive elementary instruction ; ” thirdly, in 1880, compulsion was made compulsory throughout the country. Along with compulsion arose the question of whether a fee, and if so what fee, should be exacted from the parent.

The efficient elementary schools of England, Wales, and Scotland provided, in 1887, 6,000,000 places, of which 2,340,000 were in Board Schools. The average number of scholars in attendance was 4,000,000. The cost to the Imperial Exchequer (including administration) for elementary education in Great Britain amounted, in the same year, to over £4,000,000 (the grant averaging 17s. 5d. a head) ; the sum raised from the rates was £1,430,000 ; the fees amounted to £2,136,000, and the voluntary contributions and endowments to £960,000 ; making a total outlay of £8,500,000.*

Though School Boards are an established fact, it may be of interest to recapitulate the arguments that were advanced in favour of, and in opposition to, the direct interference of the State in elementary education.

* In 1886 a second Education Commission was appointed, which finally reported in August, 1888. No Parliamentary or Departmental action has as yet (Nov. 1888) followed on the Report.

The ground on which the first and limited interference of the State in national education was upheld was :—

1.—(a) That ignorance is a national danger and education a national good.

(b) That it is better to pay for the education of the child than for the ignorance of the child ; and that, in the case at least of the poor, the State, in one form or another, must give aid towards education by supervising, and partly paying for, the schooling of their children.

The further and direct interference of the State in education was upheld on the “national” grounds :—

2.—That as the tendency of popular education is, by improving the intelligence, to raise the position and enhance the power of the people, and at the same time to diminish crime, it should be made universal.

3.—That the voluntary system having failed to supply a sufficient number of schools, England was falling behind in the educational race, and her workmen were being surpassed by those of other nations.

4.—That in order to carry out a thorough system of national education, compulsion is necessary ; compulsion cannot be carried out without a complete net-work of schools.

5.—That under a purely voluntary system, the incidence of the cost of education was not fairly distributed.

6.—That as under the voluntary system all contributions were voluntary, education was tainted with charity.

And on the “religious” grounds :—

7.—That in view of the great divergency of religious belief among Englishmen, it was matter of necessity, that

the State should not use the money of the taxpayer to support solely denominational forms of education.

8.—That the Church of England had, by means of her wealth and State recognition, obtained an unfair control over popular education ; and this power would be weakened if the State were to set up its own schools.

9.—That the Government grants being provided from the taxes the Dissenters shared the cost, and should be able, without violation of conscience, to partake to the full in the benefits of the educational system.

10.—That if there be compulsion, there must be Board, or undenominational, as well as sectarian Schools ; the parent cannot fairly be forced to send his child to a school, to the religious teaching of which he objects.

On the other hand, the introduction of School Boards was opposed on the “national” grounds :—

1.—That those who declined their own local responsibilities, could not fairly devolve them on the nation ; and those who did nothing for their children could have no claim on others.

2.—That men will do best what they do for themselves, and any interference on the part of the State in education is harmful.

3.—And further, that voluntary agencies would do the work better and more cheaply than any public body.

And on the “religious” grounds :—

4.—That education, to be true education, must be religious as well as secular, and this result can only be attained by a denominational system ; undenominational teaching, whether nominally religious or no, would be essentially secular.

5.—(a) (By some.) That the Established Church is the one true Church, and ought to bear full sway in the land and should alone be recognized by the State as the teacher of the people ; and to allow schools not under her sway to be set up at the public expense would dangerously weaken her power.

(b) And that it is to the ministers of the Church the souls of the people are entrusted by Heaven, and religious teaching ought in no case to be wrested out of their hands.

6.—That it is not within the province of the State to make men wise or moral, but only to shield their rights. That in taking A.'s money (whether from taxes or rates) to educate B.'s children, the State is trespassing beyond its true field of work, and is herself wronging A. instead of securing him from wrong.

7.—That the dissenting parent is perfectly free to choose his school, and is sufficiently protected by the conscience clause. If there be no school in the neighbourhood, it is his misfortune, but one for which the State is not responsible.

8.—That any State system of education would probably destroy and absorb the voluntary ; and such a result would be a grievous blow to education and religion.

The creation of local bodies under proper control to be responsible for the sufficiency and efficiency of the new schools, and the partial support of these schools from local rates ; as against the centralization of the system, and its entire support from the consolidated fund, was upheld on the grounds :—

1.—That each district, knowing its own wants, would provide for them better and more economically, than if the work were to be performed and directed from a central agency.

2.—That the danger of dull uniformity would be diminished.

3.—That the broad principle of the religious question being once laid down, the details of religious teaching, or its omission, would be better settled by each locality for itself, than by a central body.

4.—That as the benefits derived from education are in part national, in part local, the ratepayers and the tax-payers should each be called upon to bear a part of the cost.

FREE SCHOOLS.

It is proposed that all elementary education should be gratuitous.

This proposal has, until lately, usually been intended to apply to School Board Schools alone, the deficiency of income to be supplied from the rates.

As thus proposed, it was supported by the arguments given below, as well as on the grounds:—

1.—(By some.) That it would lead to the destruction of the Voluntary system, and to the universal extension of Board schools, which are more efficient and less sectarian; while, as they alone are subject to representative control, they are the only form of school which ought to receive public money.

2.—(By others.) That the abolition of fees in the Board schools would attract to them the poorest class of children, and that the more well-to-do would consequently patronise the Voluntary schools; thus the latter would be in a better position than before, and tend to become “higher grade” schools.

In addition to the arguments given below, the

proposal was opposed, more especially, on the grounds :—

1.—(a) That the abolition of the fee in the Board schools would, of necessity, involve the same in the Voluntary schools. These latter, being largely dependent on the income derived from the fee, would mostly be ruined and disappear. Thus, the nation would lose the advantage of the educational competition that now exists between the Board and the Voluntary systems ; and would be deprived of the services of the very numerous body of Voluntary school managers who now devote so much zealous care to education.

(b) That, as the religious teaching given in the Board schools is necessarily meagre, religion would grievously suffer, and all education would become secularised.

2.—That, thus, abolition of the fee would not benefit, but would greatly injure, education.

3.—(a) That the disappearance of the Voluntary system would necessitate the vast extension of Board schools, at great cost to the State and to the ratepayers.*

(b) That as the increased cost to the ratepayers would be very great, the demand would arise for a more rudimentary or less efficient system of national education.

4.—That England could not afford, either from the moral point of view, or materially in regard to her position among nations, to relax her system of public education.

* The Voluntary schools in England, Scotland, and Wales, in 1887, provided places for 3,650,000 children, and the Board schools for 2,340,000. The subscriptions towards the Voluntary schools in England and Wales amounted to £770,000, and the fees received amounted to £1,280,000.

The additional burden that would be cast on the rates and the taxes by the universal substitution of Board for Voluntary schools, has been variously estimated. By Mr. Chamberlain it is now put at five millions annually, together with an initial outlay on buildings of not less than thirty-five millions sterling.—*Speech at Birmingham, May 25th, 1888.*

It is now proposed, however, that, while the fee should be gradually abolished in all Public Elementary Schools, a compensatory Grant from the Consolidated Fund should be made to all schools, Board and Voluntary alike. So far, therefore, as the School income is concerned, there would be no pecuniary loss from the change; while the relative position of the Board and the Voluntary system would not be altered.

The school fees proposed to be abolished now amount to about two millions a year.*

This proposal is supported on the grounds :—

1.—(a) That ignorance being a national danger, and education a national benefit, the State, in the interest of the whole community, is justified in forcing every parent to send his child to school; but it is not justified in forcing him to pay for that which it compels him to take.†

2.—(a) That gratuitous education is the logical corollary to compulsory education; it is an anomaly to compel a child to enter a school, and then to throw the obstacle of the fee in the way of his observing the law.

(b) That more especially is this the case, in consequence of the decision of the Courts of Law, that arrears of fees cannot be recovered in the County Court; and that the parent cannot be summoned for non-payment. Thus is necessitated the absurd and wasteful system of excluding the child for non-payment of the fee, and then prosecuting

* Namely (in England, Wales, and Scotland, for 1887), Voluntary schools, £1,280,000, Board schools, £850,000—total, £2,130,000.

† For instance, in the case of compulsory vaccination, compulsory registration of births, &c., no fee is charged.

the parent for its non-attendance, as the only means of compelling payment.

(c) That the system creates an offence—punishable by fine and imprisonment—in regard to an obligation which ought never to exist. The law prosecutes the parent for being penniless, not for refusing to send his child to school. Thus education is made unpopular, and the law is brought into disrepute.

3.—(a) That the attendance at school would be greatly improved, and the necessity of compulsion would be reduced to a minimum, by the abolition of the fee; experience proves that the fee is in many ways a most serious obstacle to regular attendance, and therefore to education.

(b) That those parents who are already the least favourable to education, are just those on whom the fee is the severest burden; and it thus constitutes an additional incentive to them to keep their children from school.

4.—(a) That the parent who values education would not appreciate it the less, while the parent who is indifferent to education would like it the more, if he were not called upon to pay towards its cost, especially as, whether they pay or not, their children receive the same education.

(b) That if education were free all would desire to claim their share of the advantage.

(c) That the free Parks, Museums, Picture Galleries, Libraries, &c., are fully appreciated by the working classes.

5.—That if the fee were abolished, compulsion would be less unpopular; and—to the advantage of education—public opinion would sanction greater stringency in, and better enforcement of, the law.

6.—That the cost of collection bears an undue proportion to the receipts. The money received from the fees does not compensate for the worry, expense, and loss of time to teachers, visitors, School Boards, parents, and magis-

trates, involved in obtaining them. The levy of a fee is the worst possible way of raising a public revenue.

7.—That thus, while the fees are but sums taken from one pocket and put into another, and do not affect the nation as a whole, the loss of education resulting from their imposition is a national calamity. The system is uneconomical, injurious to the parent, and prejudicial to education.

8.—That the question is not whether education should be entirely free or wholly paid for, but whether it should be wholly or partially gratuitous.

9.—(a) That as the principle is admitted, that the State should pay for a very large portion of the costs of elementary education, and in some cases for the whole cost, the abolition of the fee would be but a small step further; and there would be nothing “charitable,” or pauperising, in the State bearing this additional expense.

(b) That this small fraction of the expense cannot really constitute the Rubicon, on one side of which is proper contribution by the parent and on the other Socialism.

(c) That there should be no confusion of ideas between a gift from one individual to another, and assistance on the part of the State to fulfil an obligation imposed by the State.

10.—That it is absurd to say that we have hit upon the exact fraction of direct contribution by which the independence of the parent is in no way undermined, and the abolition of which would bring to ruin all parental independence, control, and responsibility. In countries where schools are free, the parents are not less independent.

11.—(a) That it is not a question between the general payment of fees on the one hand, and the freedom of school on the other, but between free schools and a system under which some parents pay fees and some do not.

(b) That the present system of remission has a pauperis-

ing effect. The dignity and independence of the parent are more likely to be lowered by the frequent necessity of applying for remission of the fee in bad times, than by a general State system of free schools, in which there would be no distinction of person or property.

12.—That the dignity and independence of those parents who send their children to endowed schools are in no way lowered.

13.—(a) That the system of remission of fees leads to much difficulty in working, and to much deception on the part of those relieved ; while it accentuates the line between poverty and possession.

(b) That, as it is impossible really to discriminate between those who can, and those who cannot pay the fee, many honest and hard-working but poverty-stricken parents are either deterred from applying for remission, by scruples which have no weight with their less reputable neighbours ; or are humiliated by being compelled to beg for remission, and irritated by the inquisitorial examination into their private affairs which is a necessity of the system.

(c) That the individual application for remission—a necessity of the system of fees—either to School Boards or to Boards of Guardians, is calculated to pauperise great numbers of persons who have hitherto been able to keep clear of any form of charitable or poor law relief.

14.—(a) That there is no question of the parents escaping all share of the cost of education. They contribute their share by life-long payment of rates and taxes ; and they indirectly suffer much loss from the obligation they are under of keeping their children at school until a late age. It is unfair to demand a further sacrifice on their part.

(b) That, under the system of fees, the expense, instead of being spread over all his life, falls upon the parent just at the moment when he is least able to defray it ; it is a tax

which increases proportionately with his liabilities and outgoings ; and which, in very many cases, is a grievous and intolerable burden.

(c) That often the necessity of producing the fee forces the parent to starve the child.

15.—(a) That the adoption of free schools would in no way increase the cost of education, but by economy in administration would diminish expense ; it would only change the incidence, especially the first incidence, of the cost, and place it on a fairer basis.

16.—(a) (By some.) That the richer classes would be called upon to pay a larger share of the cost of national education.

(b) (By others.) That there would be no special class benefit in the matter. The poorer classes would derive no gain which would not be shared by the whole nation.

17.—That those who send their children to secondary schools enjoy the benefit of innumerable endowments—some filched from the poor—whereby the cost of education is lightened ; while the elementary schools are without such aids.

18.—(a) That education being of national concern, and for the national good, there is nothing illogical and unfair in expecting the unmarried or childless to contribute to the cost.

(b) That every parent is at liberty to avail himself of the elementary schools ; if he chooses to send his child elsewhere, he must pay additionally for the luxury.

19.—(a) That, for the same educational results, the fees vary arbitrarily in different schools ; parents in the same position of life, are compelled by the State to pay differing prices at the whim of the managers.

(b) That it is to the pecuniary benefit of the voluntary school to obtain the highest possible fee from the parent.

(c) That a varying fee is sometimes used for the purpose

of excluding some special child, thought to be undesirable, or for the purpose of forcing parents to cause their children to leave school at the earliest possible age.

20.—(a) That education being, nowadays, essential for advancement in life, any difficulty or disparity in the way of obtaining it tends to accentuate existing inequalities.

(b) That the present system of remission and of varying fee, tends to class distinctions and to individual degradation.

21.—That to institute a few free schools only, would tend still further to accentuate class distinctions and individual degradation: the system, if adopted, should be adopted universally.

22.—(By some.) That the adoption of the principle of gratuitous education in elementary schools, would gradually lead to the adoption of a national system of universal free education (as in America).

23.—That as elementary education alone is compulsory, the State can provide this free of cost without being logically obliged gratuitously to provide higher education also.

24.—(a) That food and clothing being indispensable necessities of existence (and the latter essential to public morality), it is rightly considered a crime for the parent to neglect to provide either the one or the other. Education is not, however, an absolute necessity, and, while the State may fairly compel the parent to provide the former at his own expense, it cannot fairly compel him to provide the latter.

(b) That while the parent will naturally provide the former, experience has shown that, in the case of the working classes at least, he cannot be expected or trusted to provide the latter.

(c) That no compulsion is required to force a child to eat or to keep warm, while direct or indirect compulsion is usually required to force it to learn.

(d) That, practically, the distinction between State obli-

gation in the matter of education and in that of food and clothing already exists. Two-thirds to three-quarters of the whole cost of education is already provided, but no portion of the food and clothing.

25.—That one great advantage that would be derived from the proposed system of Free schools would be that the general financial position of the Voluntary school managers would be left untouched ; and thus the question of Board *v.* Denominational schools would not arise.

26.—(By some.) That, by making them still more largely dependent on public money, it would tend to the ultimate control, by representative managers, of the Voluntary schools during the hours of secular instruction.

27.—That the poorer schools, which require it most, would be those which would chiefly benefit from the change of the fee into an attendance grant.

28.—(a) That free schools have been successfully adopted in America, France, and elsewhere.

(b) That the position of education in America—the schools throughout being free, and open to all, and compulsion not being enforced—is so entirely different to that prevailing in England that any comparison of attendance, etc., is worthless.

29.—That in old days the elementary schools were mostly free.

On the other hand, it is contended that some fee should be universally charged, on the grounds :—

1.—(a) That it is the duty and privilege of the parent to provide for the education of his children. The parent having taken on himself the responsibility of introducing the child into the world is bound to provide for him.

(b) That, while in the case of the working classes, it has been found necessary, for the sake of the community, that

the State should bear a portion of the cost, this weakening of parental responsibility is regrettable.

2.—(a) That the self-esteem and self-reliance of the parent, and his parental responsibilities, would be fatally weakened, if he were entirely relieved of the cost of his children's education.

(b) That, thus, the fabric of family life, which is built up on the foundation of responsibility and sacrifice, would be injuriously undermined.

(c) That the moral control of the parent over his child would be weakened.

(d) That it would lead to a general pauperisation of the working classes.

3.—That there is no real injustice in forcing a man to contribute to the cost of that which greatly benefits himself and his family.

4.—That the term “free schools” is a misnomer; the cost of the schools would remain the same, the incidence of the cost would alone be changed.

5.—That the majority of the parents can perfectly well afford to pay the fee; its abolition would be to make a present of a large sum of money to them, and unfairly to place the whole burden of the cost of elementary education on the shoulders of those who are deriving only an indirect benefit from it.

6.—(a) That it would be unfair that those who provide for the cost of the education of their own children, and already pay too large a share of the cost of elementary education, should be called upon to bear the whole cost of the education of the children of the working classes.

(b) That it would be especially unfair on the unmarried and childless.

7—(a) That it is the class just above the working class, on whom the cost of living and of education falls heaviest,

and it would be grossly unfair to tax them still more highly in order to provide gratuitous education for the lower classes.

(b) That the middle and upper classes benefit but to a small extent from endowments, while the elementary school is now practically endowed almost to the full extent of the cost of education.

8.—That abolition would be a mere wasteful sacrifice of revenue, just in its incidence, and easily raised.

9.—(a) That the fees are, on the whole, very fairly proportioned to the means of the parent; while the system of reduction and remission obviates any real hardship.

(b) That the schools in which the fees are highest are often the most popular.

10.—(a) That the amount the parent pays in fees bears a very small proportion to the whole cost, and certainly no more than the fair share.

(b) That those to whom the fee is a burden are chiefly the unthrifty and the drunkard; and to them free schools would only mean greater waste or more beer.

(c) That remission of fee is freely given to all those who cannot pay; while those who can afford to pay should not be relieved of their obligations.

11.—That the system of remission, on the whole, works well. That even if it tends to pauperise a few of the applicants for remission, this is a lesser evil than the wholesale pauperisation implied in universal free schools.

12.—That the present system of varying fees forms a convenient class distinction.

13.—(a) That the parents, as a whole, have gained and not lost by the prohibition of child labour. Work, which formerly was done by children, is now done by men or lads at higher wages.

(b) That the fee is taken into account in wages, its

abolition would, therefore, be of only temporary advantage to the poor.

14.—That that which is compulsory is not necessarily gratuitous. The State forces parents to provide their children with food and clothing, insists on sanitary dwellings and a pure water supply, etc., etc.—and all this without providing in any way for the cost.

15.—That if education were provided free of all cost, by the State, logically the State would also have to supply free clothing, free food, &c. The obligation on the individual would be fatally undermined, and a vast step towards Socialism would be taken.

16.—(a) That the payment of a fee tends to regularity of attendance. Parents and children would cease to value education if they were not called upon to pay anything towards its cost.

(b) That the fact of having paid the weekly fee induces the parent to insist on the regular attendance of his child.

(c) That the fee is the least obstacle in the way of attendance. Lack of clothes and boots, illness, truancy, home requirements, indifference or neglect, are the real causes of irregularity.

(d) That, on the whole, the parents prefer to pay the fee.

17.—That the fact of having to produce the fee week by week induces to hard work, thrift, and sobriety.

18.—(a) That the increase of taxation which would be rendered necessary by the abolition of the fee, and the fact that the parents were paying nothing towards the cost, would lead to a demand for a diminution in the expenditure on education. Free education would mean starved education.

(b) That it would lead to an increased demand that the endowments of the Church should be partially applied to meet the cost of education.

19.—(a) (By some.) That a system of free schools would

inevitably tend towards the extinction of the voluntary system;* and that this is the object its advocates have really at heart.

(b) (By others.) That the commutation of the variable and uncertain fee into a fixed grant, would give renewed vitality, and fresh vantage ground to the sectarian system, and would thereby retard the complete assertion of religious liberty and equality.

20.—(By some.) That the grant of further public money to the voluntary schools in lieu of the fee, by throwing almost the whole cost on the public funds, would lead to an irresistible demand that the control of the schools should, during the hours of secular instruction, be placed in the hands of representative managers—to the complete destruction of all that the voluntaryists hold dear.

21.—(a) That great difficulty would arise in assessing the grant given as an equivalent for the fee; and in dealing equitably between the richer and the poorer schools—one class of schools would of necessity gain, at the expense of the other.

(b) That in all probability the schools which would chiefly lose, would be those where the fee was a high one, namely, the best and most efficient; and thus education would suffer.

22.—(a) That if the primary schools were to be freed, the State would gradually find itself obliged to provide free education for all classes; thus doubling or trebling the cost of education to the community as a whole.

(b) That to free the primary schools alone, would be a degradation to those frequenting them; they would thus be branded as belonging to the lowest social stratum, and as the recipients of "charity."

* See No. 1, p. 70.

23.—That the attendance at the free schools in America is worse than that in England.

[The assertion of one side, that the children whose fees are at present remitted, improve in regularity of attendance, and that of the other, that they do not attend so well, are not placed among the arguments; as, in either case, the question is entirely beside the mark, seeing that the conditions of the "free" children are abnormal and artificial. They are, as a rule, of the worst and most irregular class; while, on the other hand, the remission of fee is usually made contingent on regular attendance.]

RELIGIOUS TEACHING IN BOARD SCHOOLS.*

It is proposed by some to withdraw from School Boards the power of giving any religious teaching in their schools, and to make Board School teaching entirely secular.

This proposal is supported on the grounds:—

1.—(By some.) That it is beyond the province of the State to recognize any religious teaching.

2.—(By others.) That though the State may recognize religious teaching, it should not use the national money in encouraging the teaching of that which part of the nation objects to or disbelieves.

3.—That the necessary religious teaching can be given out of school hours, and in Sunday schools; and the children

* See also pp. 66 and 67.

attending Sunday schools have largely increased in numbers in consequence of increased education.

4.—That where religious instruction is given, the teacher who is not a Protestant or a believer, is either obliged to give up his profession, or hypocritically to teach that in which he disbelieves or of which he disapproves.

5.—That to forbid the teaching of all doctrine, and promiscuously to place the religious instruction in the hands of teachers who belong to many sects, or to none, is bad for morality and disastrous to religion.

6.—That religious teaching, if given at all, must necessarily be sectarian in bias; and as the training colleges are nearly all in the hands of one sect, that denomination obtains an unfair advantage over the others.

On the other hand, the present permissive power of giving unsectarian religious teaching in Board Schools is upheld on the grounds :—

1.—That education without any religious teaching is worse than useless.

2.—(a) That the State ought not to hold aloof from all recognition of religious teaching.

(b) And that by refraining from any recognition of religious teaching, and still more by practically prohibiting it, the State would cast doubts on all religion.

(c) That as the State gives grants towards the secular instruction only, it does not actually endow religious teaching in any way.

3.—That in the vast majority of cases the religious instruction given by the teachers in Board Schools is essentially reverential and religious, though not sectarian.

4.—That the religious scruples of all are protected by the Conscience Clause.

5.—That religious hatreds are softened by bringing children of different denominations under one common religious teaching.

6.—That at present the majority of the ratepayers, if they so desire, can prohibit religious instruction in their schools, and it would be intolerable that the wishes of the majorities in other places should be overridden.

7.—That the attempt to do without religious teaching in Birmingham and elsewhere has been a failure.

REFORM.*

BEFORE the Reform Act of 1832, the number of nomination seats was enormous. It was computed that 175 members were actually returned by 89 peers, while 100 others obtained their seats through the influence of 66 members of the House of Commons, and the Government itself could command seven seats. In some boroughs there were practically no electors.

The “first” Reform Act, introduced by Lord Grey’s Government in 1831, was passed in 1832. Its main provisions: (i.) Simplified and unified the existing franchises, which were so complicated, that in boroughs alone there were no less than twenty-five different qualifications, extending very low down on the one hand, and being very much restricted on the other. This simplification was accomplished (to use general terms) by reducing the franchise in boroughs to an uniform £10 household, and in counties to a £10 freehold and copyhold, and a £50 leasehold qualification. By these means about half a million of electors were added to the register. (ii.) Disfranchised all boroughs containing less than 2000 inhabitants, 56 in number; semi-disfranchised 30 other boroughs of less than 4,000 inhabitants, and amalgamated two others, making 143 borough seats available for

* In the last edition, the arguments for and against Reform and Redistribution were omitted. But I have thought it well to leave the historical retrospect, and have brought it up to date, adding a section on “Manhood Suffrage.”

Redistribution, of which 65 were given to the counties. In England and Wales 43 new boroughs were created, of which 22—including Manchester, Birmingham, Leeds, Sheffield, Tower Hamlets, Finsbury, Greenwich, and Lambeth—were to return two, and the rest one member each. Seven counties each received a third member, and twenty-six were divided, each division to send two members; while Yorkshire was given six members instead of four, the Isle of Wight constituency was formed, and in Wales three counties had an additional member. In Scotland the representation was completely re-arranged; Edinburgh and Glasgow were given a second member, five new single boroughs were created, and 69 towns were formed into 14 “districts of burghs,” each returning one member, while three additional seats were given to the counties. In Ireland, Belfast, Limerick, Waterford, Galway, and the University of Dublin were given second members. Thus, England was to return 500 members instead of 513, Scotland 53 instead of 45, and Ireland 105 instead of 100, in all 658.

In each of the years 1852, 1854, 1859, 1860, and 1866, Reform Bills were introduced by the Governments of the day, but ultimately withdrawn.

The Reform Acts of 1867-8, introduced by Mr. Disraeli—but in their passage through the House greatly extended and altered, both in principle and detail—as passed, provided (i.) For the reduction of the borough franchise in England and Scotland to the basis of household suffrage, with a £10 lodger qualification; in Ireland to a £4 rating; of the county franchise to a £12 rating qualification, in Scotland £14 valuation. (ii.) For the disfranchisement of 11 boroughs—4 for corrupt practices, and 7 as containing less than 5,000 inhabitants—and the semi-disfranchisement of 38 more with populations below 10,000, making in all 52 borough seats available for redistribution. Seven of these seats were

given to Scotland, raising the number of her representatives to 60, and were applied to creating two University seats, to giving Glasgow a third seat, to creating the “Border Burghs,” and to giving an additional member to Dundee and to two counties. In Ireland no change was made. In England, additional members (bringing them up to three) were given to Manchester, Liverpool, Birmingham, and Leeds; nine new boroughs, each returning one member, were formed, together with Chelsea and Hackney each returning two; Salford and Merthyr Tydvil had each an additional member; the University of London was created; and 13 counties were divided, and were given 25 additional members. The system of minority voting was applied to the three-cornered constituencies.

The Reform Act of 1884, introduced first in the session of that year by Mr. Gladstone; rejected by the House of Lords, re-introduced in the autumn session, and passed, was purely a Franchise Bill, the question of Redistribution of Seats, being dealt with in a separate and subsequent Act.

The general principle of the Act was to unite the three kingdoms in one and the same “household” franchise. In order to do this it (i.) Assimilated the county franchise to that existing in the boroughs, namely, rateable household suffrage, retaining the £10 lodger franchise; and reduced the £12 county rating to a non-residential qualification of £10 yearly value. (ii.) Included, both in counties and boroughs, by means of the “Service” franchise, those responsible householders who were neither owners nor tenants, but who held their houses as one of the conditions of their service. (iii.) Prevented the manufacture of “faggot” votes, by prohibiting future qualification by rent-charge—except for the whole of a tithe rentcharge—and by forbidding the subdivision of any interest in any land or

tenement, unless the owners have derived their interest by will or marriage, or are *bonâ fide* partners in business.

The Redistribution Act of 1885, introduced in the course of the autumn session of 1884, was a most sweeping measure, which adopted and applied almost universally the system of single member seats, and went far towards the adoption of the principle of equal electoral districts.

The Act disfranchised, by absorption into the county, all boroughs below 15,000 inhabitants, 107 in number with 120 seats; and two, with four seats, for corrupt practices; it semi-disfranchised all boroughs containing between 15,000 and 50,000 inhabitants, 39 in number with 39 seats; and in addition three counties each lost a seat.*

This gave a total of 166 seats (of which 163 were borough seats). To these were added six seats, then in abeyance for corrupt practices and now revived; while the number of members of the House was increased by 12, thus giving a total of 184 seats available for Redistribution. Of these, 60 were allotted to the counties (an additional representation of 57), and 124 to the boroughs (a diminution of representation of 39). Scotland received 12, and England 6 additional members, Wales and Ireland remaining as before.

Constituencies of 165,000 inhabitants and above, received additional members, one for about every 54,000 inhabitants, with the exception of London, which was dealt with less liberally. Thus, Yorkshire has now in all 26 members, Lancashire, 23, Liverpool, 9, Glasgow and Birmingham, 7 each, Manchester, 6, &c., while London, enlarged in area, returns 61 members against the 22 previously.

But a further shifting of constituencies took place. For, with the exception of those boroughs of between 50,000 and

* The University seats were exempt from these, as well as from the other provisions of the Act.

165,000 inhabitants, which already returned two members, 29 in number, all other constituencies, whether old or new, which returned more than one member, were mapped out on the single-member system, the counties into divisions, the boroughs into wards or districts, each to return one member.* The “three-cornered” constituencies disappeared.

The number of members—in consequence of the disfranchisement of divers corrupt boroughs—amounted in 1884 to 652, of whom England had 489, Scotland, 60, and Ireland, 103. This number was increased to 670, of whom to England and Wales (population 26,000,000), were assigned 495, to Scotland (population 3,730,000), 72, and to Ireland (population, 1881, 5,100,000), as before, 103.

The Reform Act of 1832 enfranchised less than half a million of electors. The number of voters in 1866 amounted to 1,364,000, which was increased by the Reform Bills of 1867–68 to 2,500,000. The number on the register in 1883 was about 3,170,000, of whom England had 2,620,000, Scotland 320,000, and Ireland 227,000. The Reform Act of 1884 has enfranchised nearly two million and a half of persons, of whom 1,700,000 are in England, 250,000 in Scotland, and 500,000 in Ireland.† The electors on the register in 1887 numbered 5,830,000, of whom 4,500,000 were in England, 570,000 in Scotland, and 760,000 in Ireland.

* The City of London alone, in virtue of its historic associations, remained undivided, but its members were reduced from four to two.

† The number of new electors enfranchised in Ireland, in consequence of the equalization of the franchise throughout the United Kingdom, was much larger in proportion than in England and Scotland. This is due to the fact, that in 1829 Sir Robert Peel raised the freehold qualification from 40s. to £10, thus vastly reducing the Irish electorate; while the Reform Acts of 1832 and 1868 left the Irish franchise almost untouched; on the other hand the Irish Franchise Act of 1850 reduced the borough franchise to an £8 rating.

MANHOOD SUFFRAGE.

It is proposed to place the franchise on the basis of Manhood Suffrage, so that every male citizen should be entitled to a vote after a six months' residence in one place.

This proposal is advocated on the grounds:—

1.—(a) That every man who belongs to a Commonwealth has a right to share in the management of its affairs, inasmuch as he is a contributor to the public revenue, by rates and taxes, and to the public wealth, by his labour. He has, therefore, a just claim (and as he can make himself mischievous and burdensome to the nation, it is expedient to allow it) to take part in the passing of its laws, in the healing of its grievances, in the choice of its rulers, in deciding whether it should make war, and what steps it should take for its defence. He cannot rightfully be deprived of all control over matters which touch his well-being so closely; and the only way in which he can legitimately exercise influence on the government of the country is by the possession of a vote.

But that this right is forfeited by pauperism and by crime. The man who is either useless or baneful to the commonwealth has no claim to handle its affairs.

(b) That not only every individual, but every class in a commonwealth, has a claim to share in its counsels, or, at least, to have a spokesman in the National Assembly.

2.—(a) That the broader the basis of the Constitution, the more firmly will it rest.

(b) That were Parliament more under the sway of the whole

people, the different classes would be further knit together, legislation would be bolder, more vigorous, and beneficent.

(c) That every section of the community knows something—and something material to the general weal—which the other sections do not know, and the power of expressing this knowledge will add to the common stock information which else would be wanting.

(d) That men understand and manage their own affairs better than others who may perhaps have conflicting interests to serve.

3.—That a nation preferring self-government should be self-governed; the basis of the Constitution should be consistent as well as wide; privilege and franchise should not be capricious.

4.—That the extension of the franchise would not enfranchise a fresh “class” of voters, but would only give to the rest of the urban and rural householders that which has already been granted to some.

5.—That the unenfranchised man has the same qualification for the franchise as his enfranchised fellow—namely, interest in good government.

6.—(a) That those proposed to be enfranchised would be little likely to combine for class interests, seeing that they are more scattered and less homogeneous than any other class.

(b) That as it is to the interest of all to be well governed, there will be no severance of interests between those in question and the nation at large.

7.—That the gift of political power strengthens the character, tends to educate, gives greater interest in good government, and further enhances the dignity of the receiver.

8.—That it is better to give freely than to yield under pressure.

9.—That men denied the privileges are apt to forget the duties of citizenship.

10.—(a) That the increase in the electorate would further diminish the undue influence of wealth and of the aristocracy.

(b) That as wealth not only gives a plurality of votes, but affects more, the educated classes would not really be swamped by the increase in the number of voters, or lose their legitimate influence.

11.—That hitherto the lowering of the franchise has never been followed by the prophesied evils; the presumption against change has become comparatively weak.

12.—That the great simplification of the franchise which would follow on manhood suffrage, would do away with the expense and difficulty at present attendant on the registration of voters.

On the other hand, the adoption of Manhood Suffrage is opposed on the grounds:—

1.—That no one has a “right” to claim the franchise.

2.—That the object to be arrived at is the best possible government; not that certain persons should be gratified by having a share in ruling. That the claim of individuals, and even of classes, to share in political power is secondary to the paramount claim of the whole people to be ruled by the best rulers, and in the best way. Thus it would be a wrong done to the nation if the better-taught classes, who also have most at stake, and have a greater knowledge of policy, were overwhelmed by mere numbers.

3.—(a) That, while dreaming of equality, the greatest inequality would be caused by placing the minority—the rich and educated—at the mercy of the day labourer and the working man.

(b) And that the enfranchisement of the masses would mean the disfranchisement of the rich and educated.

4.—(a) That every person with any stake in the country is already enfranchised.

(b) That any one can now, by the minimum of industry and thrift, qualify himself for a vote.

(c) That those who have gathered no wealth, and hence remain on the lowest levels of the working classes, have shown themselves unfit for handling the policy of the kingdom.

5.—(a) That the working classes, if the whole of them were endowed with power, would use it to overthrow, or at least to injure, the institutions of the realm.

(b) That the voice of the working people would be on the side of extravagance, war, and communism.

6.—That those proposed to be enfranchised, having a class interest, would combine against the rest of the community ; being ignorant, they would be easily led and swayed by demagogues, and, being numerous, they would obtain whatever they desired.

7.—That the extension of the franchise has lowered, and will, if extended, still further lower, the standard of political courage and originality of statesmen, while weakening the independence of legislation, the vigour of administration, and the capacity of Parliament.

8.—That it would give free scope to socialism and ultra-philanthropic tendencies, and result in a great increase of the poor rates.

9.—That the extension of the franchise is not really demanded ; its concession is not therefore required.

10.—That the present anomaly does no harm ; the extension of the franchise may do untold evil. It is wise to leave well alone.

11.—That it would increase the costliness of elections.

12.—(By some.) That it might involve a considerable redistribution of seats.

PROPORTIONAL REPRESENTATION.

In connection with the question of Reform and Redistribution of Seats is raised that of "Proportional Representation," namely, the question of the best mode of arranging the voting power, so that both the majority and the minority may obtain their fair share of representation.

The adoption of any system of proportional representation would involve the enlargement of the constituencies, so that they should each return more than two members.

The arguments on this question are usually much complicated with figures and details, which cannot be given here, but which make it somewhat difficult to state the question broadly, on the method adopted in this volume.

Those in favour of the application of some system of Proportional Representation take their stand on the grounds* :—

1.—That popular Government is "the government of the whole People, by the whole people equally represented;" whereas the present system is "the government of the whole people by a mere majority of the people exclusively represented."

* I am largely indebted in this section to the chapter on "Representation of Minorities" in *Ideas of the Day on Policy*, as well as to Mill's *Representative Government*. See, also, "Representation," by Sir John Lubbock, M.P.

2.—(a) That it is an advantage to the country to take into its councils every interest, class, and opinion ; that they ought, and are entitled to be represented ; while under the present system of majority voting many of these are entirely unrepresented in Parliament.

(b) That the fair representation of all classes would not only lead to greater political wisdom and stability, but to greater political contentment.

(c) That the system of “single seats” tends towards collective mediocrity, the most suitable candidate being the one who is as unobjectionable as possible to the majority of the electors.

3.—(a) That majorities ought to obtain their fair share of power ; but under the present system of voting, the power is obtained only by a “majority of the majority, who may be, and often are, but a minority of the whole.”

(b) That minorities in the nation ought to be represented by corresponding minorities in the Legislature.

(c) That, thus, it is as much to the interest of the majority as of the minority that a system of Proportional Representation should be adopted, which alone can give the minority a fair hearing, while securing to the majority its true predominance, and giving just political weight to the vote of every elector.

4.—That it is not just to stigmatise opinions as “crotchets,” and therefore unworthy of consideration or representation in the House ; most great reforms have been first condemned as “crotchets.”

5.—(a) That the present system of elections, whatever its advantages may be, is certainly not a fair representation of opinion.

(b) That it is uncertain in its operation ; and leads to violent fluctuations in political power, and consequently in the policy of the country.

(c) That at each general election it either unduly increases the majority, or else does not secure a majority of representatives to a majority of electors.

6.—(a) That inequality in one constituency is not counterbalanced by a contrary inequality in another; a defeated minority in one locality cannot be represented by a successful majority in another.

(b) That more especially is this the case in Scotland and Wales, where the minority has scarcely any local representatives.

(c) That great dangers may arise from the monopoly of representation by different parties in different parts of the kingdom, whereby these are placed in direct antagonism.

7.—(a) That more especially, as regards Ireland, is it essential that the minority should be protected from annihilation. Without some system of Proportional Representation, the minority, who number a quarter to a third of the population, will not, with the extended franchise, be able to obtain more than a fifth or sixth part of the seats.

(b) That the matter is exceptionally serious, seeing that the minority constitute the loyal, and the majority the disloyal portion of the population.

8.—That the representation of a constituency is in no way neutralized by the election of candidates of opposite views; such an argument, carried to its logical conclusion, would entirely abrogate personal representation.

9.—That misrepresentation might indeed occur at bye-elections, where the system of minority voting could not come into play; but under the present system, it occurs at nearly every election.

10.—(a) (By some.) That contests would become rare in constituencies to which a system of minority voting was applied.

(b) (By others.) That political life would be quickened in constituencies where now the minority is sunk in despair.

11.—(By many.) That any system of Proportional Representation would be a check on, and a safeguard against, Democratic power.

12.—(a) That by the adoption of the Cumulative vote at School Board Elections, and the Limited Vote in the former "three-cornered" constituencies, the principle of Proportional Representation has been conceded.

(b) That while neither of these systems are entirely satisfactory, a true system of Proportional Representation would be free from their disadvantages.

13.—(a) That under a good system of Proportional Representation the mode of voting would be eminently simple; while no manipulation of ballot papers would be possible; and wire-pulling would be reduced to a minimum.

(b) That to plead that electors could not understand the method of minority voting, is to argue that they are not sufficiently intelligent to be worthy of a vote; while the experience of the two forms of minority voting that have already been tried, has proved that electors can readily comprehend the system.

On the other hand, it is contended:—

1.—(a) That the system of majority voting works well and fairly on the whole; and that mathematical accuracy of representation is neither attainable nor desirable.

(b) That the fact that the majority in Parliament is often exaggerated by the present system of representation, tends to the smoother working of the Parliamentary machine; absolute representation would lead to such equality of party numbers as to cause a practical deadlock, and while there might be truer representation there would be less legislation.

2.—(a) That there is already in the House enough, per-

haps too much, representation of different interests, classes, and opinions.

(b) That it is not desirable that crotcheteers should be encouraged or assisted to obtain seats in the House. To facilitate the admission of such persons would tend to the formation of several parties, and to the obstruction of business.

3.—(a) That the minority (of the two great parties) if defeated in one constituency, will be victorious in another, and throughout the country generally it will obtain its fair share of seats.

(b) That this will be more especially the case now that the number of constituencies has been largely increased by the adoption of the single-membered system.

(c) That while it is just, necessary, and advisable that the “national minority” should be duly represented, it is not advisable that a “local minority” should be represented, until by their energy they have converted themselves into a majority.

(d) That political minorities, under the present system, will always—both inside the House and out—be able to exercise their full share—usually more than their share—of influence.

(e) The danger rather is lest, by a system of checks and balances, the majority should be enfeebled, and thus legislation be rendered less energetic, thorough, and beneficent; the essence of our political system being that the majority should rule.

4.—(a) That if Proportional Representation is to have any real effect in Ireland it must be applied there universally. It cannot be applied to Ireland without being extended to the rest of the United Kingdom.

(b) That to apply the system generally would necessitate the complete supersession of the existing system of electoral

divisions ; and would involve a vast increase in the size of constituencies, in order to entitle them to several members, without which the system of minority voting could not be applied.

(c) That unduly to increase the size of constituencies, and to give them several members each, would involve many disadvantages, difficulties, and dangers.*

5.—That the concession of the principle that minorities ought to be represented in proportion to their numbers, would necessitate the adoption of some system of Proportional Representation applied to the electorate at large. Proportional Representation applied merely “in constituencies” would still leave many minorities, numerically numerous, entirely unrepresented.

6.—That unless the system were universally applied, the election for members would be carried on under two distinct and different systems working side by side.

7.—(a) That where a minority system has been in force,—as in the former “three-cornered” constituencies,—it has tended to political selfishness, and to the adoption of much undesirable wire-pulling ; and has been equally disliked by both parties.

(b) That the usual result of the application of minority voting is political stagnation.

(c) That no system of Proportional Representation, however perfect, could avoid or avert these evils.

8.—That the election of members of diametrically oppo-

* This argument is not followed out here, as it branches off into a different line of thought. But there are some obvious difficulties and disadvantages of enlarged and many-membered constituencies ; namely, the lack of intercourse, mutual interest, and knowledge between members and electors, consequent on the enlarged size of the constituencies, the loss of mutual trust and assistance between candidates which must arise under any system of minority voting, the practical difficulties of several candidates standing together, &c.

site views by the same constituency under a minority system, neutralizes their voting power; and thus a large constituency with several members is really less represented than if it had only two members, both elected by the majority.

9.—That it would lead to a great multiplication of candidates.

10.—(a) That any system of minority voting must be complicated—the more perfect the more complicated.

(b) That it would not therefore be popular with the ordinary elector, who is suspicious of mathematical calculations as applied to his vote, and desires to be able to believe that no manipulation of ballot papers is possible, and that all chance is eliminated.

(c) That however theoretically perfect may be the machinery for such a system of voting, it would be unworkable in practice.

11.—That however perfect the system might be at the time of a general election, its results would be completely nullified by the numerous bye-elections which take place during the life of each Parliament. The majority pure and simple would always win at all bye-elections, though many of the seats vacated would have been previously filled by members representing the minority.

WOMAN'S SUFFRAGE.*

It is proposed to extend the franchise to women, so that every woman holding (in her own right) a

* The reader is especially referred to "*Women Suffrage*," by Mrs. Ashton Dilke and Mr. W. Woodall, M.P. (Imperial Parliament Series), and to "*Reasons for Opposing Women Suffrage*," by Vice-Admiral Maxse (Ridgway).

sufficient property qualification, would be entitled to vote at the Parliamentary elections. The proposal is usually confined to the case of spinsters and widows, and is not extended to the case of married women.

This proposal is upheld on the grounds :—

1.—(a) That as women of property bear the burdens, they should not be deprived of the rights of citizenship; that as women have to obey the laws, they should be allowed a voice in making them. It is property not sex which gives the right to vote.

(b) That, though certain other persons (minors, men who are not householders, paupers, &c.), share with women electoral disability, women alone retain their disability throughout life and under every condition.

(c) That thus in the case of women "the very principle and system of representation based on property is set aside, and an exceptionally personal disqualification is created for the mere purpose of excluding her."

(d) That, consequently, just that result ensues which it is especially desirable to avoid—women are treated as, and become a "class."

2.—(a) That women have just as much interest in good government as men; and if there be any difference, women being physically the weaker, require protection more than men.

(b) That the interests of women are either identical with those of men—and in that case their votes would not affect the ultimate result; or their interests are divergent—and in that case they should be fairly and directly represented.

(c) That where the interests of men and women are divergent, the latter, being unrepresented, suffer—witness

the laws respecting women's property, divorce, custody of children, contagious diseases, child murder, and child assault, &c.; while if directly represented, the anomalies and inequalities of the laws as affecting them would be modified or swept away.

(d) That even if women are to be subject to men's authority, they "require the protection of the suffrage to secure them from an abuse of that authority;" "they do not need political rights in order that they may govern, but in order that they may not be misgoverned."

3.—(a) That the argument that the male vote, on some special occasion, would be swamped by the female, cannot be seriously entertained. Moreover, women would never vote all one way, any more than men do.

(b) That women would be much more likely to vote under the influence of the men, than contrary to that influence.

4.—That though there may be truth in the assertion that a married woman is represented through her husband, a widow or spinster is entirely unrepresented.

5.—(a) That it is an anomaly for women to be allowed the School Board and Municipal, and to be excluded from the Parliamentary franchise; if they are fit for the one, they are qualified for the other; they pay taxes as well as rates.

(b) That as the highest post in the realm can be, and is, worthily filled by a woman, it is an anomaly to refuse to women the lesser privilege of a vote.

6.—(a) That mentally and physically there is no sufficient difference between men and women to justify withholding from the one that which is given to the other; the idea that women are the inferiors of men, and that they should be "subject" to them, is merely a relic of semi-barbarism.

(b) That the inferior position which women now hold, is due not to natural causes, but to the laws made by men.

Repeal these laws, and women would soon take their proper position.

(c) That as the question is one of voting and not of being elected, the physical inferiority of women is of no account in the matter.

(d) That whenever women have had the opportunity they have shown themselves competent to exercise power and responsibility.

7.—That a disfranchised class is either politically ignorant and indifferent, or else disaffected.

8.—(a) That the possession of the suffrage would have a salutary effect on women, by increasing their intelligence and interest, and extending their range of vision, and by removing the idea that they are necessarily inferior; while to withhold it, injures their self-respect, and counteracts all attempts to improve and elevate them.

(b) That more especially will this latter be the case when the servant and labourer are enfranchised, and the female employer or farmer refused a vote.

(c) That, naturally, so long as women are denied political power, they are under no sense of responsibility in using their political influence.

(d) (By some.) That the enfranchisement of a small minority of women (for the numbers who would be enfranchised would not be large) would have little effect one way or the other on the character of the whole sex.

9.—(a) That women being more deeply imbued with religious feeling, and with respect for law and order, than men, their possession of a vote would be an additional bulwark against socialism and anarchy.

(b) That the extension of the franchise to women—necessarily women of property—would tend to check the democratic tendencies of the age, and would thus be a Conservative measure.

(c) That as the women enfranchised would be chiefly those of education, their opinions (as expressed by their votes) would be of value.

(d) That women are more free from party politics and party bias than men, and would therefore judge a political question more on its own merits.

(e) That the education of women has made such rapid strides, that to-day they are fitted to exercise a power of which yesterday they were incapable.

(f) That the more political women become, the less priest-ridden will they be, and the greater will be their sympathy with the other sex.

10.—That the question of enfranchisement ought not to depend at all on the possible way in which the vote will be afterwards cast.

11.—That the possession of the franchise would not cause family friction and ill-feeling ; for it would be chiefly widows and spinsters of property who would possess votes, and they would be independent.

12.—That the line between voting at Parliamentary elections and being eligible for Parliament, is so absolutely distinct, that to concede the one would not be in any way to admit the principle of the other.

13.—That the ballot has so entirely extinguished all rioting and roughness on the day of election, that women could vote in perfect safety and without fear of intimidation or rudeness ; just as now they vote at School Board and Municipal elections without any personal unpleasantness ensuing.

14.—(a) That the assertion that the majority of women are not desirous of the franchise, proves in what subjection to “custom” they are still bound—“slaves never wish to be free”—and demonstrates the need of further freedom.

(b) That no woman need exercise the franchise unless

she likes. The indifference or aversion of some, should not be a bar to the possession of their rights by others.

15.—That though women do not themselves serve in the army ; through their fathers, brothers, husbands, they are vitally interested in the preservation of peace ; and themselves really suffer more from the horrors of war than men.

16.—That to argue that because women are not physically strong they should not be allowed votes, is to deny also the right of weaker men to possess the franchise, and is an endorsement of the principle that “ might is right.”

17.—(By some.) That if the franchise be extended to the single women and the widows, it will ultimately be extended to married women as well.

On the other hand it is urged :—

1.—(a) That the principle that representation and taxation should go together, is by no means fully carried out in the Constitution ; all minors, and many men, as well as the women, are excluded from the franchise.

(b) (By some.) That the change would be opposed to the fundamental principle of democratic government, namely, that persons, and not property, constitute the basis of representation, and that property, and not persons, is the basis of taxation.

2.—(a) That the existing electoral law was framed merely with a view to the representation of men. It chooses out the head of the family, and gives the vote to him as a man and not as the representative of property. The adoption of “ woman suffrage ” would entirely reverse this principle.

(b) That to grant the suffrage to women on the ground that, as they are bound to obey the laws, they ought to have a hand in making them, would logically oblige us to concede the suffrage to every man, woman, and child in the kingdom,

3.—That men and women are, both mentally and physically, in every way different, and it is a mistake to endeavour to break down any of the natural differences—implied in sex—which exist between them.

4.—(a) That women are not a “class,” their rights and interests harmonize with those of men, and are therefore duly protected.

(b) That, of late years especially, very much has been done to redress any legal inequalities which may have formerly existed between the two sexes.

(c) That such delays as occur in adopting reform in favour of women, are due, not to indifference on the part of men, but to the difficulties which now-a-days beset all legislation.

5.—(a) That if, however, women obtained the suffrage, class distinctions would be set up, “women’s questions” would be manufactured, and men and women would be thrown into antagonism.

(b) That, thus, not only would the whole nation suffer, but beneficent legislation in favour of women would be retarded instead of being advanced.

6.—That if the franchise is conceded to spinsters and widows, it cannot be long refused to married women also. Adult suffrage is only a matter of time; and as the women outnumber the men, they will ultimately predominate in voting power. Such a condition of affairs would be, however, purely artificial, and must disappear when any real strain came. At some moment of national excitement, a preponderance of the women vote would carry some measure which was unpopular with the majority of men, but the physical strength being on the side of the men, they will re-assert their relative position in the midst of confusion, perhaps of revolution and bloodshed.

7.—That as the men have practically to put the law into

execution, and women would be powerless without them, they should also make the laws. The voting power should correspond with the real strength of the nation.

8.—(a) That it would be contrary to the natural position of women to be entrusted with power. That women's duties are at home and not in the polling booth.

(b) That men's respect and reverence for women would be fatally undermined if they were allowed to mingle in political strife; while the finer edge of women's nature would be blunted, and they would become unsexed.

(c) That if women were enfranchised, the disposal of their votes would lead to family jealousies, ill-feeling, and greater political friction.

(d) That the subjection of women by men is a less serious evil than would be the domination of women over men.

9.—(a) That the female mind lacks the quality of judgment, and mentally, morally, and physically women are unfitted by nature to exercise a calm discretion, more especially on exciting political questions; they cannot, therefore, claim the suffrage on equal terms with men.

(b) That educational and municipal questions stand on an entirely different footing from matters political; while, as regards the first, women are especially qualified to give advice.

(c) That a School Board or Municipal Election is less impassioned than a Parliamentary contest.

10.—That as women are not liable to bear arms, and as they are by nature warlike, it would be inexpedient to give them the power of voting on questions of peace and war.

11.—That the majority of women do not want and would rather be without the suffrage; while, however, if they obtained it, they would be coerced into exercising it.

12.—(a) That women are properly represented, in that

they can and do exercise immense and legitimate influence over the male voters.

(b) That the married woman is much better represented through her husband than she would be through the vote of some spinster or widow; while the two last are directly represented by other male relatives.

13.—(a) That though at first the women enfranchised would be those possessing some property, as manhood suffrage will eventually be adopted, the suffrage will ultimately have to be extended to all women.

(b) That those alone who would take an active part in politics would be the "strong-minded" women, who are not really representative of the sex.

14.—(By some.) That women are conservative in habit and tendency; while the disposal of their votes would be very much subjected to clerical influence.

15.—(a) That to demand the suffrage for the spinster and widow and not for the married woman, is illogical, and is not genuine "woman suffrage."

(b) That it would be impossible, without great disadvantages, to give the suffrage to married women; and to allow spinsters and widows a privilege which they would lose on marriage, would be an anomaly, which could not long endure.

16.—That the concession of the vote would enfranchise, amongst others, a very undesirable class of women.

17.—That the evidence of Municipal elections goes to show that female electors are more open to bribery than male, and thus electoral purity would suffer.

18.—That the concession of the suffrage would inevitably be followed by the demand, which could not logically be refused, that women should be qualified to sit in the House of Commons themselves; no other electors, except clergymen, being ineligible.

19.—(A latent fear in the minds of some.) That women, if given the opportunity, would oust men from many occupations which the latter now monopolise, and would thus diminish their earnings.

[Apart from reasons which can be categorically stated, there is against the proposal a strong feeling, which can best be expressed in the phrase that “women *are* women.”]

PARLIAMENTARY ELECTIONS.

THE BALLOT.

THE question of the Ballot must be shortly revived, inasmuch as the Ballot Act of 1872 was only passed experimentally for a limited number of years, and expired in December, 1881, and is now kept in force by being included each session in the Continuation Act.

It is probable that the principle of secrecy of voting is now definitely accepted, but it may not be without interest to recapitulate the reasons advanced for and against the Ballot.

The Ballot is defended on the grounds :—

1.—(a) That it diminishes bribery and intimidation, by removing the knowledge whether either has been successful.

(b) That more especially it has extinguished that bribery which arose from the knowledge of the state of the poll ; while it has prevented all mob intimidation on the day of election.

2.—(a) That as it enables a man to act according to the dictates of his conscience, not according to the opinion of his fellow men, it has secured a real representation of the opinions of the people.

(b) While it has raised the tone of political life by teach-

ing that a vote is a privilege and not an article of merchandise.

3.—(a) That by enabling a man to vote according to his own judgment, it destroys the anomaly of the possession of a vote without the power of bestowing it except at the bidding of another.

(b) That many who formerly refrained from voting for fear of giving offence, and were thus practically disfranchised, are now able to vote with impunity.

4.—(a) That a vote is not a “trust,” for the owner has a personal interest in its disposal; while a trustee should be entirely unbiased.

(b) That even if it be a trust, it need not necessarily be exercised openly. A jury, for instance, give their votes privately among themselves.

5.—That where the State gives a man the right of voting, it should defend him from undue influence in the exercise of that right.

6.—That it reduces the power of dominant parties, and gives depressed interests a chance of a hearing.

7.—That the direct influence of the upper and moneyed classes in elections was formerly too powerful, and is weakened by means of the Ballot; while their indirect power—arising from their virtues, and the legitimate influence of wealth—is still as powerful for good as before.

8.—That it softens the violence of political contests, and creates order and decency at the poll.

9.—That those who chiefly express their want of confidence in the Ballot, are agents and others accused of bribery, &c., who have experienced the difficulties which the Ballot throws in the way of their doings, and who are therefore opposed to it.

10.—That as the Ballot has been introduced it is too late now to retrace our steps.

On the other hand the Ballot is condemned on the grounds :—

1.—That publicity is always the most effective way of correcting abuses.

2.—That secrecy in the performance of a public duty is un-English and unmanly.

3.—That a vote is a trust, and should, therefore, be given publicly.

4.—That logically, if the voter is protected by the Ballot in the discharge of his duty to the State, his representative in Parliament should be equally protected, and this is inexpedient and impracticable.

5.—That the enfranchised represent at the poll the unenfranchised also, and these latter have a right to know how their representatives vote.

6.—That the influence of the upper and moneyed classes is legitimate and wholesome, and should not be diminished.

7.—That by diminishing political excitement, the Ballot leads to much abstention from voting.

8.—(a) That it merely provides electors with the means of deceiving with impunity ; and encourages mendacity and promise-breaking.

(b) That “in place of the simple evil of undue influence, it has created the compound offence of bribery, falsehood, and fraud.”

9.—That it gives an opening to the secret gratification of local spite or private jealousy.

10.—That the supposed secrecy of the ballot is to a large extent illusory.

11.—That the existence of secret voting has in no way diminished bribery or intimidation ; and where bribery is undertaken, the uncertainty of the result of the bribe

has rendered necessary the corruption of a greater number.

12.—That under the Ballot the swing of the political pendulum at election times has been, and is likely to be, greater than formerly; for the wavering “margin” of voters, when not under the influence of open voting and public opinion, will be more liable to veer backwards and forwards.

13.—(By some.) That the enforcement of the Ballot for several years has instilled into the voters such a sense of freedom that they no longer require its protection, and therefore, as there are many objections to the Ballot, its use might be now dispensed with.

Illiterate Voters.

It is probable that one point connected with the Ballot will be re-discussed; namely, the question whether the illiterate voter who solicits assistance in recording his vote, should continue to receive the help of the officer presiding at the polling-booth in marking his ballot paper.

It is contended that this assistance should be withdrawn, on the grounds:—

1.—(a) That a man so illiterate as to be unable to mark a ballot-paper correctly, is presumably too ignorant to be worthy of a vote.

(b) That the illiterate man, not being able to acquire information by reading, is more likely to be at the bidding of the unscrupulous agitator.

2.—That the desire of being able to record his vote will be an incentive to acquire education.

3.—(a) That it is possible for the voter who claims assist-

ance to make known which way he votes, and so the door is left ajar to bribery and intimidation, more especially as the illiterate voter is likely to be amenable to corrupt influences.

(b) That literate voters are induced to plead illiteracy, so that the briber may know which way they vote.

4.—(a) That the voter will not be disfranchised except by his own illiteracy. There is nothing to prevent him from voting if he likes ; it is only proposed to withdraw a special privilege now granted to ignorance.

(b) That an illiterate of ordinary intelligence could be easily taught how to mark his ballot-paper : the returning officer has great latitude in judging of the evident intention of the voter.

5.—(By some.) That as the extension of the franchise to Ireland has conferred votes on a vast number of "illiterates," it is well that as far as possible they should be virtually disfranchised by having all assistance withdrawn from them.

On the other hand it is contended that the illiterate voter who solicits assistance from the presiding officer, should be entitled to receive it, on the grounds :—

1.—That he represents property, and is as much interested in good government as the well-educated voter ; and if he were deprived of the assistance necessary to him in recording his vote, he would be practically disfranchised.

2.—That if he has to record his vote without assistance, he will give it in a haphazard manner, and it might be recorded for the wrong candidate, or be lost from infringement of the rules of voting — either result would be an anomaly.

3.—(a) That as the number of illiterates—especially in Ireland—has been largely increased by the Franchise Bill, it is still more necessary to grant this assistance.

(b) That illiteracy will gradually disappear before the spread of education.

4.—That as the presiding officer and those attending in the booths are bound to secrecy, and as proper care is taken to prevent exposure, no infringement of secrecy is possible.

5.—That as the blind, and those physically incapable of marking the voting paper, are assisted by the presiding officer, the uneducated, who are equally unfortunate, should receive the same assistance.

CANVASSING.

It is proposed to prohibit canvassing at Parliamentary Elections on the part of the candidate, and systematic volunteer canvassing on the part of other persons.*

These proposals are upheld on the grounds:—

1.—(a) That canvassing stultifies to a very considerable extent the advantages of the secrecy of the ballot.

(b) That the liberty of the voter is most seriously curtailed in consequence of the pressure brought to bear on him by canvassers.

(c) That as they have been given the ballot, voters have a right to be protected from personal solicitation.

* The Corrupt Practices Act of 1883, by strictly limiting employment, has prohibited for the future the use of paid canvassers. Personal and systematic canvassing, if unpaid, is, however, not affected by the Act.

- 2.—That it leads to intimidation.
- 3.—That it leads to bribery, both by bringing the canvasser into direct contact with the voter, and by making known who are most likely to be amenable to a bribe.
- 4.—That it leads to much deception on the part of the voter.
- 5.—That many unauthorised promises are made and pledges taken, on behalf of the candidate, which he is not able to redeem.
- 6.—(a) That the whole energy of the canvassers is practically directed towards inducing those to vote who have no political opinions or convictions.
(b) That if canvassing were abolished, the most indifferent and the most ignorant voters would not poll ; and this would be an advantage.
- 7.—That under the ballot, canvassing has lost its former advantage of being a guide to the probable result of the poll.
- 8.—(a) That there would be little difficulty in defining candidate-canvassing and systematic unpaid canvassing.
(b) That in the same way that “agency” cannot be strictly defined, and has to be left to the election judges to decide, so “canvassing” could be left to their decision.
(c) That as long as it is legal, both sides are obliged to undertake canvassing. But as both canvasser and canvassee dislike the system of canvassing, a law prohibiting the practice would be thankfully obeyed ; and the necessity of deciding whether the law had been broken would seldom or never arise.
- 9.—That canvassing will not cease unless it be made absolutely illegal, with invalidation of election on breach of the law.
- 10.—That the supposed educating advantages of canvassing do not exist.

The prohibition of a personal canvass on the part of the candidate is also upheld, on the grounds :—

11.—That canvassing implies a vast waste of time and energy, without any compensating advantages of real personal intercourse between candidate and elector.

12.—That it is humiliating for the candidate to be obliged personally to solicit the votes of the electors.

13.—That by means of more frequent meetings and deputations, the candidate could (and would) give the electors better opportunity of becoming acquainted with him, and with his opinions, than through the medium of canvassing.

On the other hand, the abolition of canvassing is opposed on the grounds :—

1.—That it would be a gross interference with the liberty of the subject.

2.—That as it is practically the candidate who solicits the suffrages of the constituency, and not the constituency which prays the candidate to stand, it is not unreasonable to expect that both he and his friends should take trouble and spend money in informing the constituency of his desire, and of his qualifications, to represent them.

3.—That its abolition would be greatly to the advantage of local men; and local influence is already more than sufficiently represented in Parliament.

4.—That constituencies would require more careful and laborious “nursing” between election times.

5.—(a) That it would be very difficult, and well nigh impossible, legally to define canvassing, while means would be easily found of evading the law.

(b) That it would be intolerable to impose silence on the

question of the merits of the candidates, &c. ; and without absolute prohibition it would be impossible to draw the line between “ conversation ” and “ canvassing.”

(c) That it would be impossible to punish the candidate for a harmless excess of zeal on the part of some friend.

6.—That it would greatly increase the number of election petitions.

The personal canvass of the elector by the candidate is also upheld, on the grounds :—

7.—(a) That it is mutually advantageous to the candidate and to the elector to become personally acquainted with one another ; while canvassing on the part of others has an educating effect on the electors.

(b) That this could not be done so effectually by means of meetings or deputations.

8.—That every voter has a right to see the candidate or his representatives, and to question him, or them, about the former’s political opinions, and this he cannot conveniently accomplish unless canvassed.

DISFRANCHISEMENT.

It is contended that the punishment of Disfranchisement, or lengthened suspension of writ, reserved for constituencies which are found guilty of very extensive electoral corruption, should be abolished ; that in no case should the writ be suspended beyond the time necessary for the Royal Commissioners (who should be appointed in every case in which a member

is unseated on petition for bribery) to report the names of those found guilty, and for them to be disqualified from voting again.

The abolition of the punishment of Disfranchisement, or lengthened suspension of writ, is supported on the grounds :—

1.—That the aim of all prohibitory laws should be to shield the innocent, and to make the exposure and punishment of guilt as certain as possible.

2.—(a) That disfranchisement affects equally the innocent with the guilty, and is therefore an unfair and harsh punishment.

(b) That it consequently tends to make the innocent desirous of shielding the guilty, lest they themselves suffer for the crimes of others.

(c) That a punishment which is undeserved acts as an irritant, and not as a warning ; while the guilty rejoice in the immunity they receive through the vicarious punishment of the constituency.

3.—That petitions, being the initial step towards exposure of guilt, should be encouraged.

4.—(a) That petitions are discouraged through the fear of proving too much, and disfranchisement or lengthened suspension of writ following ; for in such a case the petitioner would be no better, but worse off, than if he had not petitioned.

(b) That consequently the fear of disfranchisement is the most powerful incentive to prevention, quashing, or arrangement of petitions.

(c) While it leads to the suppression of evidence at the petition trial, and to the attempt to hoodwink the judges lest they should report that “extensive corruption” had

prevailed, which report would necessitate a Royal Commission, to be followed perhaps by disfranchisement.

5.—(a) That consequently the corruption of the worst constituencies is seldom exposed—no one dares to petition.

(b) While in other cases a great deal of the guilt is effectually concealed, and many of the guilty escape.

6.—(a) That moreover the knowledge that a petition would almost certainly lead to disfranchisement, and that it would therefore be suicidal to file one, induces the side who would otherwise be pure to use corrupt means as their only chance of success.

(b) While the guilty side is encouraged to bribe still more extensively by the knowledge that the greater the corruption the better is their chance of winning, while the chance of being petitioned against is decreased.

(c) That consequently the fear of disfranchisement often actually encourages and shields the corruption which it was intended to prevent.

7.—(a) That the knowledge that a fresh election must ensue if a petition were successful would encourage the defeated party to present one.

(b) Yet the cost and worry of even a successful petition is so great that frivolous petitions would be in no way encouraged.

(c) While the knowledge that a fresh election must ensue, would tend to make each side keep themselves pure at the first election, lest they too should be exposed and scheduled, and so be crippled for the possible subsequent election.

8.—(a) That as the guilty would have been scheduled and disqualified before the second election took place, it would probably be a pure one; more especially as those who would otherwise bribe, would be deterred by the still vivid recollection of the fate which had just overtaken their fellows.

(b) That even if the guilty were not actually punished for bribery, through the difficulty of obtaining a conviction, they would be prevented from taking any part in future elections.

9.—That consequently if the punishment of disfranchisement were abolished, petitions would be more numerous, the evidence at petition trials would be increased, the exposure and punishment of guilt would be encouraged, and elections would be purer.

10.—That the punishment of disfranchisement must necessarily be capricious; for no two Royal Commissions can be constituted exactly alike, and the result depends on their reports.

11.—That constituencies which had necessitated the appointment of Royal Commissions would not escape all punishment; they would have to pay the cost of the Commission, while the writ would have been temporarily suspended.

12.—That, therefore, though the actual punishment of disfranchisement is infrequently applied, and of itself is by no means injurious, the fear of it tends to shield and encourage corruption, and does more harm than the punishment, when inflicted, does good.

On the other hand it is contended:—

1.—(a) That a constituency which has shown itself to be so extensively corrupt as to merit disfranchisement is not unduly punished by being disfranchised.

(b) That no constituency which has merited disfranchisement could ever be purified.

2.—That the “innocent,” so called, are really passively guilty; no constituency can be thoroughly corrupt if a large number of the electors are determined that it shall be pure. A constituency which is disfranchised can therefore fairly be considered to be so widely corrupt that the punishment is deserved by the electors as a whole.

3.—(a) That if the check of the fear of disfranchisement were withdrawn, bribery and corruption would be encouraged and increase.

(b) That as it is very difficult to persuade a jury to convict for electoral malpractices, bribery would go entirely unpunished, and the constituency would be in no way purified.

4.—That the number of petitions would be increased.

5.—(a) That it is only small boroughs which are disfranchised, and their disfranchisement is no loss to representative government.

(b) That as now the small boroughs are a thing of the past, disfranchisement is never likely to be enforced.

THE “OFFICIAL” EXPENSES OF ELECTIONS.*

It is proposed to relieve Parliamentary candidates of the cost of the Parliamentary machinery of elections — the Returning Officers’ expenses.† This proposal is urged on the grounds :—

1.—(a) That, at present, however much a candidate and his supporters may desire to conduct the election without expense, they cannot escape the payment of a large sum enforced by the State.

(b) That there exists thus a property qualification ; yet Parliament, as long ago as 1858, professed to abolish all property qualifications for Members of Parliament.

2.—(a) That it is unjust and inexpedient that the candi-

* See also section on Payment of Members.

† The Returning Officers’ expenses at the election of 1880 amounted to £134,000 out of a total expenditure of £1,650,000 ; in 1886 they were £140,000 out of a total expenditure of £624,000. The amounts vary (for contested elections) from some £80 to £670 in boroughs, and from £270 to £730 in counties.

date, desirous of serving his country, should be called upon to bear the cost of elaborate and expensive machinery, the use of which is enforced by the State for its own purposes, and over the working of which he has no control.

(b) That more especially is this the case where the burden is from time to time increased by the national desire of affording greater facilities for voting, or of encouraging purity—the nation is liberal at the expense of the individual.

3.—(a) That the diminution of the pecuniary obstacles to a seat in the House would increase the range of selection of candidates.

(b) That thus, more especially, would the working classes have an improved opportunity of being represented.

4.—(a) That the Returning Officers' expenses constitute but a very small proportion of the whole cost of elections ; their transference would not, therefore, encourage frivolous or vexatious candidatures.

(b) That the cost of "sitting," and not the cost of "standing," constitutes the real deterrent to the political adventurer.

5.—(a) That the system of Second Ballots* might be adopted in case of a multiplicity of candidates.

(b) That if the system of Second Ballots were not acceptable, there would be no great difficulty in checking frivolous or vexatious candidatures, by requiring a deposit from each candidate, to be forfeited unless a certain proportion of the electorate were polled by him.

(c) That abroad, where the official expenses are borne by the State, frivolous candidatures are almost unknown.

6.—That in the case of School Board and Municipal elections the official expenses are a charge on the rates.

* That is to say, that if no candidate polls an absolute majority of the total vote cast at the first election, another ballot takes place, at which the candidate highest on the poll is elected.

7.—That the payment by the State of that portion of the expenses of elections which is due to the machinery alone would in no way interfere with the personal and political independence of members.

8.—(a) That the amount of these expenses varies in different constituencies,* they constitute therefore a varying burden on different candidates.

(b) That, in a two-membered constituency, the candidate at a bye-election is charged with double the expense that he would have to meet at a general election.

9.—That the candidate has no check nor control over this expenditure, and cannot, without incurring political odium, refuse to pay the amount demanded by the Returning Officer.

10.—That in the case of all the great continental nations, this charge is either an Imperial or local one.

On the other hand it is contended :—

1.—(a) That the question is not one of abolishing or diminishing the costs of elections, but affects merely the incidence of a certain portion—a necessary and essential portion—of the cost.

(b)—That it is just and right that the candidate who aspires to a seat in the House, should be called upon to pay the cost of the machinery of the election which his candidature renders necessary.

2.—That the independence of members would be seriously affected, if they were indebted for their election expenses either to the State or to the locality they represented.

3.—That it would be a mistake to lower the standard of the House, by diminishing the legitimate cost of elections.

4.—(a) That to relieve the candidate of the cost of his election would be to encourage the candidature of political adventurers.

* See note, p. 122.

(b) That to relieve the candidate of the cost of his election would be to encourage frivolous and vexatious candidatures.

(c) That even in the case of School Board and Municipal Elections frivolous candidatures are by no means unknown ; and the attraction of a Parliamentary candidature would be much greater.

5.—That the official expenses of elections bear but a small proportion to the whole cost, and no serious or representative candidate is prevented from standing by the necessity of producing the comparatively small sum compulsorily required.

6.—(a) That the system of Second Ballots would in itself introduce many evils—it would increase the number of candidates ; it would, as it has done abroad, divide parties up into an infinite number of 'groups,' and so make party government impossible ; it would involve the duplication of the worry, trouble and expense of elections.

(b) That any system of deposit, to be forfeited unless certain conditions were fulfilled, would act very unfairly, and be almost impossible to work.

7.—That School Board and Municipal Elections form no precedent. They are local elections for local purposes ; the official expenses form the chief portion of the cost of the election, and, as the duties are not very attractive, it is essential to remove every obstacle to candidature.

8.—That no comparison with the system prevailing abroad is possible ; there, a Parliamentary seat is neither so honourable nor so greedily sought after as in England ; while, as a matter of fact, the candidates (in consequence of the payment of election expenses and the salaries of members) are not of a high class.

9.—That, the official expenses being fixed by Act of Parliament, exorbitant charges on the part of the Returning Officer are not possible.

If the principle of the relief of the candidate be granted, the further question arises whether the burden should be thrown on the taxes, or on the rates ; on the nation at large, or on the constituency.

Those in favour of placing the burden on the rates argue :—

1.—That as the district chooses the member, it should also pay the cost of the election.

2.—That in the case of the School Board and Municipal Election, the burden is borne by the locality.

3.—(a) That nowadays it is practically the ratepayers who constitute the electorate.

(b) That if the burden were placed on the taxes, non-electors would have to bear a portion of the cost.

4.—That contests would be discouraged, to the advantage of continuity of policy and of person.

5.—That the local interest in economy would act as a check on the expenditure.

Those in favour of placing the burden on the Consolidated Fund argue, however :—

1.—(a) That the expenditure is for national not for local purposes, thereby differing from the cost of School Board or Municipal Elections which is rightly met from the rates.

(b) That to place the charge on the rates would be to confirm the vicious principle that the member represented the petty local interests, instead of the general political and national feeling contained in the constituency.

2.—That the member would be more independent and less of a delegate, if he were indebted to the State and not to his constituents for the expenses of his election.

3.—That to place the expenses on the rates would be to throw a direct burden on many non-electors—women, peers, &c.

4.—That the charge, if placed on the taxes, would be an uniform burden over the country; if placed on the rates, the charge (which itself varies in different localities) would constitute a proportionately heavier burden on small or straggling than on large or compact constituencies.

5.—That so long as local taxation remains unreformed, the incidence of local taxation is unfair; and to add to it would be to accentuate the existing injustice.

6.—That to throw the burden on the locality would tend to discourage contests, which, from a politico-educational point of view, are advantageous.

7.—That Exchequer control and audit would tend towards economy, by ensuring that those who have a pecuniary interest in the amount of the expenditure should not have the power of increasing it.

REFORM OF THE PROCEDURE OF THE HOUSE OF COMMONS.

THE modern form of “Obstruction” may be said to have taken its rise in the session of 1871, in the discussions on the Ballot Bill of that year. Since then it has become a settled institution, and an ever-increasing evil.

To meet it, Sir S. Northcote, in 1877, introduced his first Resolutions. As passed, they provided for the suspension of a member for the period of the debate, if thrice called to order; and that, in committee, the same member should not be allowed more than once to move the adjournment of the debate. The futility of these Resolutions was, however, immediately demonstrated by the 26½ hours’ sitting of July 31, 1877. Again, in 1880, on the motion of Sir S. Northcote, a further standing order was adopted, slightly increasing the penalty and the facilities of suspension, for persistent and wilful obstruction.

The question was, however, first seriously taken up by Mr. Gladstone in 1881, after the provocation of a very prolonged debate on the Address, and of a 22 hours’ and a 41 hours’ sitting,* with general obstruction of business.† The

* The 41 hours’ sitting was on the Coercion Bill, and was ended by the Speaker (Sir H. Brand) of his own monition, closing the debate, and refusing to call upon any further speakers.

† During the three months of the short second session of 1880 (according

“urgency rules” were adopted, by which, when the “urgency” of any particular question was declared by the House on the motion of its leader, extensive powers of closing the debate were conferred on the Speaker; at the same time the Speaker was also authorised to frame and enforce rules affecting the forms of the House, calculated to diminish obstruction. The “urgency” rules were successfully applied more than once during the session of 1881.

In the following session, 1882, Mr. Gladstone opened up the whole question of the Procedure of the House of Commons, and introduced a series of new standing orders, adopting most of the “urgency” rules framed the previous session by the Speaker. Unable to pass his proposals in the course of the ordinary session, an autumn session was held to consider them. As ultimately adopted, they provided (1) Against Obstruction and waste of time:—(a) By the introduction of a “closure” rule, by means of which, if in the opinion of the Speaker it became the “evident sense of the House” that a question had been “adequately discussed,” he could put the question without further debate; the proposal, to be effective, had, however, to be supported by over 100 members when the minority was under 40, or by over 200 when the minority exceeded 40.* (b) By increasing the stringency of the rules directed against disorderly conduct; a first suspension involved exclusion for a week, a second for a fortnight, a third for a month; while power was

to Lord Hartington) six members—Lord R. Churchill, Sir H. Wolff, Mr. Gorst, Mr. Biggar, Mr. Finnigan, and Mr. A. O’Connor—made between them 407 speeches, and in addition asked 166 questions. Allowing ten minutes only for each speech, and putting aside the questions, each session would, if all the other members occupied the same amount of time as these six, last over eight years!

* This “closure” rule itself was only once actually enforced, namely, on February 24, 1885, and, on that occasion, in consequence of the opposition and abstention of many members, the motion nearly failed to obtain the requisite majority, the numbers being but 207 to 46.

given to the Speaker to silence any member for “continued irrelevance or tedious repetitions.” (c) By depriving members of their former power of moving the adjournment of the House, in order to call attention to any question, unless it were a “definite matter of urgent public importance,” and unless the mover were supported by 40 members, rising in their places. (d) By confining the discussion on an ordinary motion for adjournment of the House, or of the debate, to the question of adjournment; by prohibiting a member from twice moving, or twice speaking on, the adjournment; and by empowering the Speaker to refuse to put a motion for adjournment if he considered it “an abuse of the rules of the House.” (e) By altering the rules as regards “going into committee of supply,” the “half-past twelve rule,” &c., so as to facilitate business and economise time. (2) For Devolution of Business, by the appointment, as a sessional order, of two public Grand Committees, to consist of 60 to 80 members, one for Law and one for Trade and Justice, to which all Bills affecting these questions were to be referred, and there thrashed out, though Bills reported to the House by the Grand Committees could be re-discussed by the House.*

Though these rules were unquestionably of much use, the forms of the House still adapted themselves so readily to the delay of business, that though each Government, session by session, encroached more and more on the time allotted to private members, the length of the sittings appreciably increased, and the strain on the strength and health of members gradually became intolerable. Consequently, in 1887, and again in 1888, Lord Salisbury’s Government revolutionized, with (so far as can as yet be judged)

* The question of “Grand Committees” was inserted in the third edition of this book, published in May, 1881; since its acceptance the section has been omitted.

Grand Committees were appointed during the session of 1883, and were revived in the session of 1888.

singularly good effect, the rules of procedure of the House of Commons.

Under the New Rules, as ultimately adopted :—

(1.) All contentious business was, in the ordinary way, to end at midnight.*

(2.) The Committee and Report stages of the Address at the beginning of the Session were abolished ; the process of “going into Committee” was further simplified, and there was a limitation of the amendments possible on the “Report” stage of Bills.

(3.) Notice of Questions could, in future, only be given in writing.

(4.) The Speaker or Chairman was invested with further powers of refusing to put, or of summarily putting, the question of the ordinary adjournment of the House, Committee, or Debate, if he considered it to be an abuse of the rules of the House ; while he could call upon members to rise in their places, if he thought that a division on any question was being frivolously or vexatiously claimed.

(5.) The closure rules were greatly strengthened. Any member was empowered, at any time, to move “that the question be now put ;” and unless it appear to the Chair that such a motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question is to be put forthwith, and decided without amendment or debate.†

* The House beginning its ordinary sitting at 3 instead of at 4 o'clock. When there is a morning sitting, namely, from 2 till 7 p.m., the evening sitting beginning at 9, may last until 1 o'clock. The 12 o'clock Rule may be suspended by notice given on behalf of the Government at the beginning of the sitting.

† In the session of 1887 the closure was moved on 37 occasions, on 32 of which the Leader of the House was responsible. The assent of the Speaker or the Chairman was withheld on 5 occasions. In the session of 1888 the figures were respectively 63, 18, and 25.

(6.) Further powers of silencing members for irrelevance or tedious repetition, and of suspension for disorderly conduct, were given to the Chair.

(7.) The system of Grand Committees was revived.

(8.) The order of private members' Bills was so altered, that after Whitsuntide priority was given to the Bills then most advanced.

It is possible, especially in the interests of private members' Bills, and in order to facilitate Government Bills in Committee and "Supply," that these rules may from time to time have to be modified; but, as they stand, they have struck at the root of obstruction, and, by limiting the hours of sitting, have put an end to the system under which it was physically impossible for members satisfactorily to carry on the business of the nation. Moreover, the ice has been so effectually broken, that no objection could now be urged, on principle, to any further extension of the rules. Hence it seems unnecessary to repeat the arguments for and against the "Reform of the Procedure of the House of Commons," which have appeared in former editions of this book.

THE REFORM OF THE HOUSE OF LORDS.

It is urged that the House of Lords, on its present basis, has become a constitutional anomaly, and that it must either be swept away altogether, leaving the House of Commons to stand alone ; or that its constitution must be so radically altered that it shall become a more popular and representative body—somewhat on the lines of most “Second Chambers” abroad.

In 1888, the Peers of the United Kingdom (in addition to 15 minors) numbered 499 ;* the elected Scotch Peers numbered 16, and the elected Irish Peers 28, but of these representative Peers three are Peers of the United Kingdom. The total voting strength of the House of Lords is thus 540.

The *reform* of the House of Lords is supported on the grounds :—

1.—That an institution, to be allowed to exist, must satisfy the requirements of general utility—and this condition the House of Lords does not fulfil.

2.—That the existence, as one of the estates of the realm, of an oligarchical, irresponsible, and unrepresentative body of hereditary legislators, is out of harmony with the spirit of the age. England, alone among nations, possesses such a legislative body.

* Composed as follows :—4 Princes of the Blood, 2 Archbishops, 22 Dukes, 19 Marquises, 114 Earls, 28 Viscounts, 24 Bishops, 286 Barons,

3.—That, alone among the institutions of the country, the House of Lords has undergone neither renewal nor reform.

4.—(a) That whereas the tendency now-a-days is towards popular representative self-government, the nation has neither voice in the selection, nor control over the proceedings of the House of Lords.

(b) That while the Lower House has been gradually placed on an increasingly democratic basis, and now rests on the votes of six million electors, the Upper House has become in no way more representative.

5.—(a) That it is an absurdity for a number of irresponsible individuals to have the power of over-riding, or thwarting, the popular will, as expressed by the House of Commons.

(b) That more especially is this the case, when the vast majority of these persons are legislators, not on account of their own merits, but merely through an accident of birth.

(c) That their ancestors were not necessarily nor usually ennobled because of any special fitness for legislative work ; while, even where such fitness existed, it was not necessarily hereditary.

6.—That, under the present system, a Peer, however unfit or unwilling to serve, cannot be relieved of his legislative functions.

7.—(a) That the ordinary attendance of the Peers in the House of Lords is small and perfunctory.

(b) That the important votes of the House of Lords are not decided by the professed politicians, but by the whipping up, as occasion requires, of Peers who take no part in, care nothing, and know less about politics.

8.—(a) That the Lords are representative of but one class, the landlords, and one interest, the land ; which thus obtains an undue influence in legislation.

(b) That the legislation which the Lords chiefly obstruct, is that which they imagine affects themselves, more

especially as regards land ; their own personal or class interests are allowed to stand in the way of national progress.

9.—(a) That decade by decade the House of Lords has in every way—in wealth, numbers, opinion—become less and less representative.

(b) That in former days the House of Lords was not a party assembly. It has gradually, during the last half century, and more especially of late years, been converted into a wholly Conservative party instrument.*

(c) That in consequence of the mode of election, election by simple majority, the forty-four co-optatively elected Irish and Scotch Peers are invariably Conservatives, though a very small proportion of the ordinary parliamentary electors in those countries are Conservative.

10.—That the country has become increasingly Liberal ; and the House of Lords has thus become ever more and more opposed to the popular will.

11.—(a) That the relative positions of the majority and minority do not change with those of the Lower House ; an anomaly which makes itself increasingly felt as successive Liberal Governments come into office.

(b) That when a Conservative Government is in office, the Upper House is useless, for it always concurs in that which is done ; when a Liberal Government is in office it is mischievous, for it always opposes everything they do.

12.—(a) That with a Liberal Ministry in office, the relative and natural positions of the Government and the Opposition are reversed in the Lords. The Leader of the Opposition is practically the Leader of the House, and the Government are always in a minority.

(b) That all Liberal legislation suffers in thoroughness

* It is estimated that out of the 500 odd Peers, only some 30 are Home Rulers,

from the existence of an irresponsible Upper House. Every Government measure proposed has to be drawn with a view of passing that House, amendments are introduced in the Commons with the same object, and the Bill is still further amended in the Lords.

13.—(a) That the Lords can, and often do, over-ride the judgment of the Government, the decision of the House of Commons, and the will of the country which sustains both.

(b) That often when the Commons, after anxious thought and laborious care, have passed an important measure, the Lords throw out or mutilate the Bill, and thus render barren the Session.

(c) That powerful Governments, with the nation at their back, have to appeal to the Lords as suppliants—an undignified position, and one in which no Government should be placed.

14.—(a) That the only limit which exists to the destructive and damaging power of the Lords is the expediency of using it—their authority is tempered by necessity alone. Within the limits of supposed danger to themselves they act as they will.

(b) That more than once when the Lords have overstepped this limit, it has become necessary for the Ministry of the day to create, or threaten to create, a sufficient number of Peers to constitute a Government majority; thereby reducing the constitutional action of the Lords to an absurdity.

(c) But that, now-a-days, in consequence of the greatly increased numbers of the Peerage, and the increasing disproportion between Liberal and Conservative Peers, it would be impossible to force through a Liberal measure by means of a creation of Peers.

15.—(a) That an unrepresentative, irresponsible, and

avowedly Conservative body is thus almost omnipotent, the result being that it is continually coming into conflict with the national will; questions which the country is bent on closing are kept open, and discord and irritation are created and continued; while, when submission is at last made to public pressure, all the grace of concession has evaporated.

(b) That this body has systematically and obstinately opposed every great reform of the present century, especially in the matter of civil and religious liberty.

(c) That as the House of Lords is out of harmony with the progressive spirit of the age, even when it accepts a reform, it mars and mutilates it, and prevents it from being thorough and lasting.

(d) That more especially has this been the case with Irish legislation; much of the disquiet state of Ireland is due to the irritation caused by the persistent refusal of the Lords to pass measures of justice, and to the mutilated form in which Irish Bills are unwillingly allowed to pass.

(e) That not only do measures of importance suffer at its hands, but very many small and necessary measures are delayed, emasculated, or rejected.

(f) That thus, while its existence is defended on the ground that it educates public opinion, prevents precipitancy, modifies extremes, and perfects legislation, it really obstructs, mars, and irritates.

(g) Instead, therefore, of the House of Lords being an element of stability and permanence, it is a source of obstruction, disturbance, and irritation.

16.—That it is no real check on the House of Commons. Moreover, the Opposition and the “Waverers” in the Commons have always prevented any undue haste in accepting or passing measures, and the difficulty now-a-days is to legislate at all; the nation is far from requiring an extraneous check on the precipitancy of the Lower House,

17.—That the House of Lords has, of necessity, less and less work given it to do, and is becoming, therefore, of diminished practical value as a legislative body. A Liberal Government cannot, with any prospect of success, introduce its Bills into the Lords; while by the time the great measures of the Commons are sent to the Upper House, public interest in them is more or less exhausted, and there is little scope left for originality.

18.—(a) That the existence of the Upper House is becoming more and more of a paradox. It has no control over the government of the day; if it adopts a motion of non-confidence in a Liberal Government the vote is treated with silent contempt. It is obliged to accept measures of which it disapproves; while its amendments are often summarily rejected and reversed by the Commons—and each time it is thus forced to give way its influence is diminished.

(b) That every time it strongly resists a Liberal Government it loses somewhat of its power, by raising up a feeling adverse to its action and existence.

(c) That thus at one period it is treated with contempt, and at another it is assailed with menace and reproach. In either case its prestige and power suffer.

19.—That the pressure on the Prime Minister to create Peers, and the number of admissions to the Peerage, is ever increasing, and will gradually swell the House of Lords to unmanageable proportions.

20.—That the House of Lords, if reformed, would contain admirable materials for a Second Chamber, and might easily be made a powerful and popular authority.

21.—That the increased respect and efficiency that would accrue to the Upper House from its re-formation on some representative system, would not detract from the power of the House of Commons.

22.—That if the position of the House of Lords is so

anomalous that it will not stand remodelling, the sooner it is altogether swept away the better.

23.—That the existence of the House of Lords deprives the country of the best services of many able and useful politicians, inasmuch as their powers, energy, and ability are hampered and emasculated by being confined to the Upper House ; reform or abolition would enable such men to take a larger part in politics.

24.—That the anomalous position in which the Lords are placed is their misfortune, and not their fault ; they can hardly be blamed if they act on the authority committed to them, and prefer to lose their existence as a corporate body, —and be allowed to take their part in politics in other ways —rather than consent to submit to a gradual diminution of their influence and power.

25.—(a) That the fact that a certain number of offices in the Government have to be allotted to Peers, occasionally necessitates an inferior man being preferred, because he is a Peer, to some commoner of greater ability.

(b) That the Peers in charge of Government offices are not as accessible to public interrogation as they would be if they were in the Commons.

26.—That the hereditary principle, as applied in the case of the Crown, is totally different from that applied in the case of the House of Lords. The Crown has no legislative or executive responsibility, and has not, for a hundred and eighty years, exercised its power of veto.

27.—(By some.) That by limiting the number of legislative Peers, by selection and election from amongst their body, by the creation of Life Peers, and by a limitation on the right of veto, much might be done to render the Upper House more representative, and an efficient and necessary estate of the Realm.

28.—That the position of the Scotch Peers at least

requires alteration. A certain number are elected by them, from among themselves, to sit in the House of Lords ; but, as there is a Conservative majority, none except Conservatives are ever chosen. A Scotch Liberal Lord has therefore no prospect of being elected a representative Peer, and as he is ineligible for the House of Commons, he is ostracised from polities.*

On the other hand, any radical alteration in the existing constitution of the House of Lords is opposed, on the grounds :—

1.—That a constitutional institution which has grown up with the nation's growth, and which is founded on tradition and descent, should not be pulled down unless it can be shown that great advantage would follow its destruction.

2.—(a) That though the existence and constitution of the House of Lords cannot be defended on theoretical and logical grounds, its continued existence is of great practical advantage to the State ; the Constitution works very well as it stands.

(b) That the Constitution of the House of Lords is not by any means perfect or ideal, but the country desires a Second Chamber, and the existing Chamber is better than would be one artificially constructed.

3.—(a) That it is a great advantage to the country that the aristocracy should be drawn into taking an active part in polities.

(b) That the English nobility have hitherto deserved and retained their hold over the respect, confidence, and affection of the people ; and—to the advantage of equality—are a less distinct class than the aristocracy of any other nation.

* An Irish Peer, if not elected as a representative Peer, is at liberty to stand for the House of Commons,

4.—(a) That the Upper House has become more and more truly representative, in consequence of its ranks being continually recruited from the People; it represents education, intelligence, leisure, wealth, and influence.

(b) That a very considerable number of the Peers have had a legislative training as members of the Lower House.*

(c) That, moreover, a considerable number in addition have held administrative, judicial, or other high offices, and bring to the House the experience they have thus acquired.

5.—That the argument urged for reforming the House of Lords,—that it has not always gone so far or so quickly as the Commons,—is reason rather for desiring to leave it alone.

6.—(a) That by preventing, modifying or delaying the hasty, ill-digested, or unjust measures adopted by the Commons, it puts a proper and constitutional check on precipitancy and Radicalism, allows time for popular opinion to mature itself, and thus prevents the Government from acting on first impulses, or under the influence of sudden passion or excitement, or in obedience to a chance majority.

(b) That this hasty legislation will tend to occur more often under the new Democracy; and the last check has disappeared with the reform of the procedure of the Lower House.

7.—That more especially is the House of Lords an effectual barrier against demagogic rule, or the “one man power.”

8.—That when it has delayed legislation, it has always had the sympathy of a large proportion of the House of Commons.

9.—(a) That though perhaps the House of Commons may

* In 1886, no less than 182 of the sitting Peers had, at some time or other, sat in the House of Commons.

not very often be over hasty or rash in legislation, its moderation is greatly due to the latent knowledge that the House of Lords will have a voice in the matter, and that its opinions must be consulted. Remove this check, and legislation would immediately become more rash and precipitate.

(b) That the result of this influence has been, that while in certain cases legislation may have been somewhat delayed, when a Bill is ultimately passed, it has been so well considered, and is of such a satisfactory nature, that reactionary legislation is never necessary—and thus progress, though slow, is sure.

(c) That in ordinary legislation the Upper House smoothes down the rough legislative excrescences of the Lower.

10.—(a) That having no fear of constituencies before their minds, the Peers are independent, and speak boldly their own minds.

(b) That their debates on great occasions surpass in interest and intellect those of the House of Commons.

11.—(a) That when popular feeling has been definitely expressed, the House of Lords, if at variance with the national will, gracefully subordinates its own opinions, and gives way.

(b) That within the last fifty years especially, the Lords have assented to a vast number of most useful reforms.

(c) That though, theoretically, the power of the Lords is unlimited, practically it is kept within very reasonable and moderate bounds.

12.—That, if necessary, the Government can override the majority of the Lords by the creation of fresh Peers, by Royal Warrant, or by tacking a clause on to the "Appropriation Bill," which the Lords must pass, or reject, in its entirety.

13.—(a) That it is easy to talk loosely of the Reform of the House of Lords, but practically, unless the Upper House

will reform itself, this cannot be accomplished without a dangerous revolution.

14.—(a) That if the constitution of the House of Lords were once touched, its end would soon follow. It survives chiefly through the existence of a feeling of veneration and sentiment; this feeling once disturbed, the anomalies of its existence would become apparent, and it would be doomed.

(b) That no more creation of life Peers, or a simple change in the hereditary system, would be effective in strengthening the Upper House.

15.—(a) That some Second Chamber is essential to the Progress, Prosperity, and Peace of the nation, and as a check on the People.

(b) That no brand-new Second Chamber could ever take the place now occupied by the House of Lords. It would not command the respect of the country or of the House of Commons; while, if it were very powerful, it would be constantly coming into conflict with the Lower House.

(c) That the House of Lords once pulled down, could never be replaced in any permanent, useful, or satisfactory form.

16.—(By some.) That having obtained one Chamber absolutely representative of the People at large, it would be illogical to endeavour to set up another which cannot be equally representative.

17.—That if the House of Lords were destroyed, the “machinery of the ‘caucus’ would be used to endeavour to prevent the House of Commons from exercising its functions with discrimination and freedom.”

18.—(a) That the ultimate extinction of the House of Lords is certain. It is better, therefore, to leave it gradually to die a natural death, than to hasten its end at the risk of conflict and agitation.

(b) That year by year it is becoming weaker, and more impotent to do harm; while an unsuccessful crusade against it might revive and invigorate its vitality.

19.—(By some.) That if it were reformed, it would become stronger, and constitute a formidable rival to the House of Commons.

20.—(a) That if the House of Lords were abolished, the House of Commons would be swamped with Peers, the fact of a man being a Peer having great influence in many constituencies; and would become more aristocratic and conservative, to the hindrance of progress and reform.

(b) That consequently an agitation would spring up for the creation of a Second Chamber, in order to rid the House of Commons of its Peers.

21.—That even if it were true, that the legislation which the Lords chiefly prevent or amend is that which mostly affects themselves, they must be acknowledged to be intimate with the subject; while those who press forward such legislation have, as a rule, “sinister interests” of their own.

22.—That if the hereditary principle were abolished in the case of the House of Lords, that principle would be in jeopardy as applied in the case of the Crown.

THE EXCLUSION OF BISHOPS FROM THE HOUSE OF LORDS.

At present twenty-six Bishops sit and vote in the House of Lords as Life Peers in virtue of their office. It is proposed to deprive them of their legislative powers and of their seats in the House.

This proposal is supported on the most diverse, and sometimes diametrically opposite grounds, namely :—

1.—(a) That it is neither right nor just that one section of religious belief—a minority, or at most a bare majority—should alone be *ex officio* represented in Parliament.

(b) That the exclusion of the bishops from the House of Lords would remove a great cause of sectarian irritation.

(c) That thus one strong argument for Disestablishment would disappear.

2.—That to remove the bishops from the Upper House, would be further to sever the connection between Church and State, and be a great step towards Disestablishment.

3.—That the Church would still be amply represented in Parliament by laymen of the Church of England.

4.—(a) That the bishops lose in popular sympathy, from the possession by them of exceptional and anomalous political privileges, especially as these are tinged with political partisanship.

(b) That this is more especially the case, inasmuch as the bishops have mostly shown themselves by their votes and speeches to be opposed to progress; and have never used their political power to the real advantage of the Church or of the community at large.

(c) That thus the Church, and the Christian religion, suffer in the general estimation.

(d) That the withdrawal of these exceptional privileges would strengthen and not impair the influence and position of the bishops; and the Church itself would thus gain from their exclusion from the House of Lords.

5.—(a) That the legislative functions of a bishop interfere greatly with his diocesan work and episcopal functions—already so manifold as to be nearly overwhelming.

(b) That either he must neglect his legislative work, or

he must partially withdraw his presence and influence from his diocese; in trying to perform both functions, he probably does neither well.

(c) That more especially the presence in London of the youngest bishop—as *ex officio* chaplain to the House of Lords—is undesirable: he is called away from his diocese just at the time when it is most necessary that he should devote his undivided attention to his episcopal functions.

6.—(a) (By some.) That the inclusion of the bishops amongst the peers weakens rather than strengthens the House of Lords. The bishops have not the freedom of action of life-peers, for they speak as delegates, while they are not really representative, are responsible to no one, and owe their nomination to the Prime Minister.

(b) (By others.) That to exclude the bishops from the House of Lords would be a democratic step, tending to weaken the Upper House, by depriving it of men of acknowledged ability, life-peers, and men more or less representative.

7.—That if it be inexpedient to prohibit the clergy of the Church of England from being elected to the Lower House, it is inexpedient to allow the bishops to sit in the Upper House.

8.—That the possession of legislative functions by some bishops, and not by all, is an anomaly.

On the other hand it is urged:—

1.—(a) That so long as the Church is joined with the State she ought to have, and is entitled to have, a representative voice in framing laws which she will have to obey, and in deciding on matters affecting the people.

(b) That more especially as “Turks, Jews, Infidels, and Heretics” have full liberty to speak and vote in Parliament

on matters affecting the Church, she should not be left entirely at their mercy, and alone be deprived of a voice in the councils of the realm.

(c) That while it is inexpedient, and out of harmony with their spiritual functions, to allow the clergy personally to involve themselves in party contests, there is nothing undignified or prejudicial in allowing bishops to sit in the House of Lords.

(d) That to exclude bishops from the House of Lords, would be to strengthen the feeling that politics are merely a party game.

(e) That as ministers of other denominations can, and sometimes do, sit in the House of Commons, these sects obtain as full a representation in Parliament as the Church of England does through her bishops in the Peers.

2.—That the position of the Church would be lowered in the eyes of the people and much harm be done to religion, if her bishops were publicly degraded by being excluded from the Upper House.

3.—(a) That it is a principle, not only of the Protestant religion, but of the British nation, that the clergy should in no way be a “caste” by themselves, but should be ordinary members of the community.

(b) That while, as already stated, it is inexpedient to allow the clergy to be eligible for Parliament, it is greatly to the interests of the people and of the bishops themselves, that the latter should be brought into contact with the world through their position in the constitution, and thus be enabled to carry out their work with greater knowledge and more discretion.

4.—(a) That the attendance of the bishops to their legislative work in the House of Lords need not, and does not, interfere with a due regard to their episcopal and diocesan functions.

(b) That matters affecting the Church seldom arise in the House of Lords ; while the sittings of the Upper House are so infrequent, and so short, as to absorb but little time or attention.

(c) That large numbers of business men find time, without neglecting their own work, to attend the House of Commons with its more numerous sittings and longer hours.

(d) That if the Church were disestablished, the bishops, as necessarily members of the governing body of the Church, would still have to be in London for a considerable part of the year.

5.—That, as the bishops are men of ability, and bring variety and a representative element into the Upper House, to exclude them would be to lower the character and position of the House of Lords.

6.—That as the “Lords Spiritual” are a recognised part of the Constitution, to permit any tampering with their position would be to play into the hands of the democratic party ; and to weaken the position of the House of Lords against attack.

7.—(a) That to permit the bishops to be excluded, would be to surrender an important outwork of the Establishment, and to render more easy the accomplishment of Disestablishment.

(b) That to allow the exclusion would be to confess that the Church of England was not truly representative of the nation.

PAYMENT OF MEMBERS.

It is proposed that those members who themselves, or whose constituents, desire it, should be entitled to claim a State salary for their Parliamentary services.*

It is proposed by some that all members, whether rich or poor, whether they desired it or no, should receive the salary; but it is generally felt that it would be an anomaly (as well as a heavy burden on the country) to pay the whole of the 670 members for the sake of those individuals to whom the salary is essential.

The former proposal is advocated on the grounds :—

1.—(a) That the leading principle of representation is, that each constituency should have a right to choose the candidate they prefer.

(b) That more especially should this be the case now that the electorate is so wide, for thus the confidence of the people in the legislature would be strengthened.

2.—That the working classes ought, to a large extent, to be directly represented in Parliament, by working-men.

3.—(a) That, at present, the choice of candidates is almost exclusively restricted to men of means; while, except as representatives paid by their fellows, working-men are almost entirely excluded from the House.

(b) That the sacrifices entailed on the Labour candidates and on those who send them, are out of all proportion to the

* The general idea seems to be that the salary should be fixed at £300 or £400 a year.

sacrifices entailed on other members of Parliament and their constituents.

(c) That the working-men delegates are an honourable addition to the House ; and it would be very advantageous, for the sake of all classes, that their numbers should be increased.

3.—(a) That it is not so much the election expenses that prevent men from standing ; but the cost of maintaining themselves afterwards as members of Parliament.

(b) That practically, therefore, the non-payment of a salary constitutes a property qualification for members of Parliament.

4.—That sitting and voting are not a privilege enjoyed by the individual, but a duty performed towards the community —and, as such, should be paid for.

5.—That the demands on the time of members have so much increased, as to make it increasingly difficult for a man to do his duty as a member of Parliament, and, at the same time, to earn his own living.

6.—That, nowadays, we do not want dilettante politicians, but practical hard-working men ; and, if the members were paid, they would feel a higher responsibility towards those who employed them, and the work of the nation would not be neglected.

7.—That ministers are already paid, and well paid, for devoting themselves to the public service. Doubtless it would be easy to obtain the gratuitous services of good men for these duties, but the nation prefers to pay them, in order to secure a wider range of selection, and to ensure that no man shall be pecuniarily a loser by devoting himself to the public service. Similarly, the private member, who also has to sacrifice a very large amount of time, is entitled to receive some proportionate remuneration.

8.—(a) That the principle is practically admitted by the fact, that already, on personal application, and on proof

that the pension is necessary to enable the recipient befittingly to maintain his position, a certain number of political pensions are granted to ex-cabinet ministers.

(b) That these pensions are given to men who have already, as ministers, received considerable payment from the nation ; and who, when not in office, are charged with duties practically no heavier than those which fall to the lot of private members.

9.—That, as no stigma attaches to the possession of these pensions, so no stigma would attach to the possession of a salary, granted in order to enable the holder properly to maintain his position as a member of Parliament.

10.—(a) That the necessity of publicly proving that he was entitled to claim the salary, would act as a deterrent to the needy adyventurer.

(b) That the prophecies made at every stage of electoral reform, that the spouter and the demagogue would now become omnipotent, have always been falsified by the instinctive common-sense of English constituencies.

11.—That such a State salary, if generally recognised, would in no way interfere with the independence of the member. At present, the poorer member is obliged directly to depend on his friends or his constituents.

12.—That the superior character of the British House of Commons over similar institutions abroad, arises from constitutional and national causes, not from the mere fact of the non-payment of members.

13.—That the total annual cost would not be heavy ; each individual salary would be small, and no great number would be applied for.

14.—That it was the ancient practice in England to pay members of Parliament. The unpopularity of that system arose from the fact of its being founded on a wrong principle, —payment by the constituency instead of by the State.

15.—That England almost alone, among nations, does not pay her legislators: other nations do so, usually with an additional allowance for travelling expenses.

On the other hand, it is contended:—

1.—That one source of England's greatness, and of her national pride, is that her citizens generally have always been ready to devote themselves gratuitously to the public service.

2.—That one reason why the people have so much confidence in the House of Commons is, that, with scarcely an exception, the members make some personal sacrifice to represent them in the House.

3.—That there are an increasing number of men of leisure and ability ready to serve their country gratuitously, and it would, under those circumstances, be foolish and wasteful to supersede them by others, perhaps less worthy.

4.—That while it is an excellent thing that an association desiring to be represented in Parliament, should pecuniarily support its representative, there is no reason why the whole nation should be taxed in order to give to a few trades or classes special representation.

5.—That to pay them a salary as such, would degrade the office and position of members of Parliament.

6.—That a member who applied for a salary would place himself in a very disagreeable and invidious position; and a stigma would rest on those who accepted pay.

7.—That the independence of the member would be seriously endangered if he were State-paid.

8.—That a class of candidates would arise who would look to membership as a means of livelihood; and thus the whole tone of the House would be fatally lowered.

9.—That the payment of a salary would tend still farther to attract lawyers; the salary would be sufficient to maintain them while they were trying to pick up a livelihood at the bar—

and there are already too many lawyers in the House of Commons.

10.—That the attraction of the salary would lead to such a multiplication of candidates as to necessitate the introduction of the pernicious system of Second Ballots.*

11.—That the foreign system of payment of members has produced evil results; in no country are politics on so high a level, are politicians so honest, independent, and patriotic as in England.

12.—That, even under present circumstances, the anxiety of members to keep themselves *en évidence* tends to delay in the transaction of Parliamentary business, and this evil would be greatly accentuated if members were paid.

13.—(a) That the system would not long remain permissive; in all probability the law would soon be altered, and in any case the exception would gradually become the rule.

(b) That, thus, the ultimate annual outlay would be very heavy.

14.—That the payment of a salary to members would be an anomaly, so long as there remain any pecuniary obstacles to their entrance into Parliament.†

15.—That the ancient system of payment of members forms no precedent. It was carried on under totally different conditions; and, moreover, it worked so badly that it had to be abolished.

* See 6.—(a) p. 125.

† See section on the "Official" expenses of election.

LONDON MUNICIPAL REFORM.

THE Metropolis, according to the census of 1881, contained a population of 3,813,000 persons ; its rateable annual value amounted to £28,000,000, of which the City, with 51,400 inhabitants, produced £3,590,000.

The authorities who in 1887, between them, controlled and governed the Metropolis, were as follows :—

(i.) The Corporation of the City of London,—consisting of 206 Common Councilmen and 26 Aldermen,—which has full municipal authority over the City, and levies therein rates and taxes.

(ii.) The Metropolitan Board of Works, constituted in 1855—43 of whose members were elected by the Vestries, and 3 by the Common Council—which throughout the extra-city metropolitan area, controlled the main drainage and sewerage, Thames embankment and floods, bridges, street improvements, buildings, naming and numbering of streets, dangerous structures, artizans' dwellings, commons, parks, and open spaces, fire brigade,* nuisances, explosives, cattle disease, &c.

(iii.) The twenty - three Vestries and fifteen District Boards—the members of which, (numbering some 2,450,) are (nominally) elected by the ratepayers, a third of the

* The state of the case as regards fires is a good instance of the confusion of authorities which at present exists. The fire brigade is under the authority of the Board of Works, the police obey the Home Office, the salvage corps is under the command of the Fire Insurance offices, the turncocks are servants of the Water Companies, and the thoroughfares are the property of the Vestries.

members retiring each year—who control the paving, lighting,* watering, branch drainage, cleansing, and sanitary matters, &c., in their respective districts, and who assess the houses and levy parochial rates for these purposes, and for poor-law administration, as well as to meet the precepts issued by the Metropolitan Board of Works and the School Board. The rates vary in different parishes, from as little as 3s. 4d. to as much as 7s. 4d.

(iv.) The School Board—the 50 members of which are directly and publicly elected by the ratepayers every three years—which has charge of, and control over the elementary education of London.

(v.) The thirty Boards of Guardians—elected or appointed in different ways—who have charge of the poor-law administration. There is also an Asylums Board—which consists partly of guardians, partly of nominees of the Local Government Board—to look after the sick poor.

(vi.) The Thames Conservancy Board—non-representative—which has the control of the River Thames.

(vii.) In addition, the Home Secretary has control of the Police Force outside the City, while within the City it is under the control of the Corporation.

The Home Secretary also has jurisdiction over the cabs. The Water and Gas Companies are private concerns.

Various unsuccessful attempts have from time to time been made to confer on London the municipal privileges conferred on other large towns by the Act of 1835, from which London was then specifically excluded. The most comprehensive attempt was that of 1884. By the London Govern-

* The lighting, however, of some of the parks is in the hands of the Commissioner of Woods and Forests, while others are lighted by the Board of Works; moreover the Board of Trade have supervision over the gas supply.

ment Bill of that year it was proposed to extend the Corporation of London to the whole area of the Metropolis as defined in the (amended) Act of 1855, so as to include the existing Corporation of the City, the Vestries and District Boards, and the Metropolitan Board of Works, with their rights, privileges, and powers. The Central Body, thus formed, was to consist of 240 members, to be directly elected by the ratepayers every three years. In order to preserve local interests and to obtain local knowledge and assistance, a "District Council" was to be formed for each of the thirty-nine districts of London. The functions and powers of these District Councils were to be defined by and to proceed from the Central Body, while the members were to be elected directly by the ratepayers with the members of the Corporation.

Education, Poor Law, and Police (except so far as they are already under the control of the Corporation of the City) were to be excluded from the functions of the new body; and it was to be instructed to introduce bills dealing with the questions of gas, water, and cabs.

The Local Government Act of 1888,* provides for the initial step in the reform of the government of London. One central representative administrative body, under the name of the London County Council, is to be formed for the whole of the Metropolis, outside the City. The County Councillors, directly elected by the ratepayers and Parliamentary electors,† will number 120, two for each Parliamentary division; ‡ the Aldermen, selected by the Councillors,

* See section on Local Self-Government.

† See explanation of the Local Government Act, on this point, p. 163.

‡ The City, though practically outside the authority of the London County Council, is to elect two members to it, but these Councillors are not to be entitled to vote on matters affecting expenditure for which the City is not liable to be assessed.

are not to exceed in number one-sixth of the whole number of Councillors. The Councillors are to hold office for three years, and all go out together ; the Aldermen for six years, half going out every three years.

All the powers, duties and responsibilities of the Metropolitan Board of Works are to be transferred to the London County Council; as well as those of Quarter Sessions, so far as elsewhere transferred under the Act to other County Councils. The administration of the Poor Law (except in so far as a greater equalisation of the Poor Rate, by means of the “Common Poor Fund,” is concerned) is to be left intact. The School Board is to remain independent. The Thames Conservancy Board is to retain its existence. The City of London is to be made into a separate “county,” the Corporation to all intents and purposes retaining its independent administrative position ; though it will have the option of at any time merging the “City” county into the London County.

For the present the Vestries and District Boards are to be left untouched ; and they will have even less relation than before to the central body, for, while they formerly selected the members of the Metropolitan Board of Works, they will have no voice in the election of the new council.

It is certain, however, that before long all the different branches of local and municipal life in London will be brought into relationship the one with the other.

The section on London Municipal Reform contained in former editions was devoted to the question of the creation of one central representative body for the whole of London ; such a Body being now about to be brought into existence, there is no need to repeat the arguments for and against its creation.

RURAL LOCAL SELF-GOVERNMENT.

THE term “rural districts” is applied to every part of the country not comprised in “Boroughs,” “Improvement Act,” and “Local Government” Districts; and includes nearly every village.

The ordinary rural authorities may be divided into those which exercise jurisdiction in the “county,” the “union,” and the “parish.”*

The authorities who together possess the government of the county area,—and who are appointed by various methods, upon various tenures, and for various terms,—are as follows:—

(i.) At the head of “*County*” affairs are the Lord Lieutenant and the High Sheriff, who are appointed and can be removed by the Crown.

The management of “County” affairs is chiefly vested in the county magistrates, appointed by the Lord-Lieutenant, who meet and transact their business at Quarter Sessions.

Their criminal jurisdiction (which extends to most offences) is exercised in Quarter and Petty Sessions. For the latter, and for other purposes, the county is divided into petty sessional divisions.

* I am much indebted for the following particulars to—amongst other authorities—Mr. George Brodrick’s Essay on “Local Self-Government,” re-published in his “*Political Studies*.” See also “*Local Administration*,” by Messrs. W. Rathbone, M.P., A. Pell, M.P., and F. C. Montague, M.A.

The description given above of the existing rural local self-government by no means fully represents the confusion of areas, duties, rating, election, &c., which really exists.

They have the supervision of the county gaols, the county police, and county lunatic asylums,—subject however to the Home Office.

They regulate county finance and taxation—subject to the Local Government Board.

They have the power of granting, renewing, or refusing licences to public-houses, &c.

They may prohibit the movement of cattle during the prevalence of cattle plague, &c.

They, in conjunction with certain others,—resident magistrates and waywardens elected by the parishes,—form “Highway Districts,” and settle questions connected with roads, bridges, canals, &c.

In addition there are the local income-tax assessors.

(ii.) The “*Union*” authority is the Board of Guardians. A union can be constituted or dissolved at the pleasure of the Local Government Board, which may also lay down stringent rules for the regulation of relief, &c. It consists of ex-officio members, namely, the county magistrates residing in the union, and elective members chosen by the ratepayers.

The business consists of the general supervision of workhouses, the regulation of outdoor relief, and the education of pauper children ; in some instances, as school attendance committees, the care of elementary education ; the carrying out of the Vaccination Acts ; and the assessment or valuation of property for purposes of rating. The Board is also the sanitary authority in its rural sanitary district, which comprises the whole area not under urban authorities or Local Government Acts.

(iii.) The “*Parish*” authorities are the Vestry, and the Overseers appointed by the Vestry, who represent the parish ; and, where one has been appointed, the School Board, elected by the ratepayers, and charged with the education of

the children of the class attending elementary schools—subject to the supervision of the Education Department.

In rural districts, therefore, the areas are divided into the County, the Union, the Parish, the Petty Sessional Divisions, the Highway District, and the Rural Sanitary District; and these areas may overlap, coincide with, or include one another.

The authorities who have jurisdiction in these various areas consist of the Crown, the Lord Chancellor, the Home Office, the Local Government Board, the Education Department, the Lord-Lieutenant, the High Sheriff, the County Magistrates, the Board of Guardians, the School Board, the Highway Board, the Vestry, and the Assessors of Income-Tax.

Their duties consist in keeping the records; supervising parliamentary elections; magisterial duties; supervision of county gaols, police, and lunatic asylums; county, union, and parish finance, taxation and valuation of property for rating; licensing public-houses, &c.; regulating movements of cattle; supervising bridges, roads, highways, &c.; managing workhouses and outdoor relief; sanitary matters, vaccination, and public health; all matters connected with elementary education; registration of voters, juries, births, &c. Many of their duties clash or coincide with those of the urban magistrates and town councils.

The modes of rating, moreover, differ considerably, while the exemptions and exceptions are numerous.

A large number of Bills dealing with the question of Rural Local Self-Government have from time to time been introduced into the House, but, until 1888, no comprehensive scheme found acceptance. The two latest and most important (but unsuccessful) attempts to deal with the question were, first the Bill of 1871, introduced by Mr. Goschen,

which was chiefly financial, and which proposed the consolidation of rates and the institution of Parochial Boards. The Chairmen of the Boards, who were required to have a £40 qualification, were to elect from amongst themselves a certain number of representatives for each petty sessional division. The magistrates in Quarter Sessions were to elect from amongst themselves a number of members equal to the total number of parochial representatives. Secondly, the Bill of 1878 introduced by Mr. Sclater-Booth, which also adopted the petty sessional divisions, whilst it gave to each division two quarter-session-elected magistrates and two members, qualified to be guardians, to be elected by the guardians of each petty sessional division.

The objection raised against these and former proposals was, that they did not sufficiently simplify areas, authorities, and duties, while Mr. Sclater-Booth's Bill would have actually increased the confusion of Local administration.

In 1888 a comprehensive measure of county government for England and Wales was introduced by Mr. Ritchie, and, after the withdrawal of many important portions of the Bill, was ultimately passed, and is to come into force in 1889.*

The Act, as it stands, is very incomplete. It omits to deal with the question of District Councils, with the question of the Poor Laws, and with that of the Licensing Laws. It deals most inadequately with the question of decentralization of Executive duties and powers, and does little to simplify the existing complications of assessment and rating. We are told, however, that the question of District Councils will be dealt with in 1889. The question of Decentralization is left in the hands of the Local Government Board. The question of the transference

* See also section on London Municipal Reform.

to the County Councils of the administration of the Poor Laws and that of the Licensing Laws must inevitably recur ; and it is certain that, sooner or later, these powers and responsibilities will be handed over to the representative local municipal bodies throughout the kingdom.*

The Act, as it stands, simply in general terms transfers to a directly elected body in each County—the County Council—the administrative and financial powers, other than the judicial and licensing powers, formerly held and exercised by the magistracy of the counties. In addition, the County Councils will elect the County Coroner, public election by the freeholders being abolished.

They will have extended powers in regard to roads and bridges. They may, if the Local Government Board so decide, have transferred to them certain powers at present possessed by various government departments and other bodies. The control of the County Police Force (in every county other than London) is to be given into the bands of an independent Committee, consisting of an equal number of Justices, appointed by Quarter Sessions, and of Councillors or Aldermen, appointed by the County Council.

The financial relations between the Exchequer and the County are to be considerably altered ; and an attempt has been made to render fairer the incidence of local taxation, as between realty and personality,† by handing over for local purposes certain branches of revenue—derived from personality, or in the form of licences—hitherto paid into

* The Bill of 1888 dealt with the question of the creation of District Councils, and with the transfer of the licensing powers to the County Councils (see section Local Option) ; but the clauses were withdrawn. For a good analysis of the Local Government Act of 1888, see a little volume by Mr. W. A. Holdsworth, published by Routledge & Sons.

† In former editions a section, now (seventh edition) omitted, was devoted to this subject.

the Exchequer ; and at the same time partially withdrawing the Imperial grants in aid of the rates.

Certain local subsidies (mostly granted since 1874), amounting to £2,600,000, will disappear ; and in lieu of them, Imperial taxation to an amount of about £4,700,000 will be handed over to the new County Boards. The taxation thus transferred is to consist of half the probate duty (£1,700,000) ; existing intoxicating liquor licences (£1,400,000) ; existing "establishment" and other licences (£1,600,000). In addition, new licence duties on "wheels" and on horses, to produce (as modified) about £730,000, are to be imposed and handed over to the local authorities, making the total Imperial contribution about £5,500,000, against a saving of £2,600,000, or, in all, an additional contribution from the taxes to the rates of some three millions a year.

The largest boroughs—those containing over 50,000 inhabitants, sixty-one in number—are to be constituted separate and independent Counties, under the name of County Boroughs, and will retain all the powers that they at present possess under the different Municipal Corporations' Acts. In the case of the Quarter Sessions boroughs of over 10,000 inhabitants, the Council of the borough retains its independent powers, duties, and liabilities as local authority, but for other purposes the borough will constitute part of the County. In the case of boroughs of less than 10,000 inhabitants, the powers, duties, and liabilities of the Borough Council will be very much curtailed, and to a large extent transferred to the County Council of the district.

The electors will, in general terms, consist of the existing Parliamentary electors, less the lodger service and property qualifications, and with the addition of women and peers. They will directly elect the Councillors, whose number will be determined by the Local Government Board. The electoral districts will be as far as possible

equal in population ; and, except in London, there will be single seats. The Councillors will be elected for three years and will all go out together.

They will select from among themselves, or from outside, other Councillors, to be called Aldermen, who will number one-third of the number of Councillors, and whose term of office will be six years, one-half of them going out of office every third year.

The general principle of representative County Councils being now adopted, it is unnecessary to repeat the arguments which appeared in former editions in regard to the question of Rural Local Self-Government.

LAND LAWS.

FROM the "New Domesday Book" published in 1874, it appears that (including duplicate entries, which are very numerous, holders of glebe, charities, and corporations), there are in the United Kingdom 301,000 holders of land of above one acre, to a population of about 33,000,000. The number of holders of ten acres and upwards amounted to 180,000.* The total acreage of the United Kingdom amounted to 77,800,000 acres, of which about 30,000,000 are waste and mountain pasture, and 48,000,000 under crops, pasture, or covered with woods and forests. Of the total acreage, 955 persons own together nearly 30,000,000 acres. In the next rank of landowners about 4,000 persons average 5,000 acres each ; 10,000 persons own between 500 and 2,000 acres ; 50,000 persons own between 50 and 500 acres, and about 130,000 own between one acre and 50 acres. †

The land is very differently distributed in England and Wales, Scotland, and Ireland. In the former about 4,500 persons own half the soil, in Scotland but 70 persons own half the land, and in Ireland the half is owned by 744 persons. ‡

The greater part of the land in the United Kingdom is cultivated by tenant farmers. They number 560,000 in

* Mr. Shaw-Lefevre ("Freedom of Land") estimates that, after due deductions are made for duplicates, holders of glebes, corporations, and charities, and owners merely of houses as distinguished from owners of land, the landowners number only 200,000 in all, of whom about 166,000 are in England, 21,000 in Ireland, and 8,000 in Scotland.

† Lefevre, "Freedom of Land," p. 11.

‡ Kaye, "Free Trade in Land," p. 17.

Great Britain, and about 500,000 in Ireland, in all 1,060,000. Excluding mountains, waste, and water, the cultivated land is held by them at an average of 56 acres in England, and 26 in Ireland. Seventy per cent. of the tenant farmers occupy farms under 50 acres (chiefly in Ireland); 12 per cent. occupy farms of between 50 and 100 acres; 18 per cent. of more than 100 acres; 5,000 occupy farms of between 500 and 1,000 acres, and 600 occupy farms exceeding 1,000 acres.*

The extent of land under various crops in 1887 was,—wheat 2,387,000 acres, barley 2,255,000, oats 4,418,000, other green crops (including potatoes) 5,390,000, other crops 695,000, grass under rotation 6,000,000, permanent pasture 25,700,000, and woods, plantations, 2,500,000. The value of home crops and animal produce, compared to foreign imports of food, was in 1883 as follows :—†

	Home Growth.	Foreign, 1882.
Value of corn and vegetable produce ...	£105,750,000	£69,748,000
Value of animal produce	135,000,000	68,645,000
Total	£240,750,000	£138,393,000

The number of agricultural labourers and shepherds in England and Wales amounts to about 800,000.

LAND.

The questions connected with the Land Laws divide themselves into two classes. The one class of reforms are advocated chiefly on the ground that the transfer and sale of land should be as far as possible facilitated;

* Caird, "The Landed Interest," p. 58.

† From figures kindly furnished me by Sir James Caird. In the first edition (1880), the figures quoted were for 1877, when the Home Growth amounted to £260,740,000, and the Foreign Imports to £110,700,000.

and, with this intent, it is proposed to abolish or amend—1. The Intestacy laws. 2. The law of Entail ; and 3. To introduce an efficient system of Registration of Titles to land.

The other class of reforms are chiefly advocated on the ground that, if adopted, more capital would be attracted to the soil, to the increase of production, and to the enrichment of the country ; and with this intent it is proposed—4. To abolish the law of Distress. 5. To give security for tenants' capital invested in the soil. 6. To extend the notice to quit. 7. To amend the laws relating to Local Taxation ; and 8. To amend or abolish the Game Laws.*

[The questions of 9. Allotment Extension, and 10. Leasehold Enfranchisement, as not so directly connected with what are usually called the Land Laws, are discussed separately later on.]

LAW OF INTESTACY.

By the Law of Intestacy, or Primogeniture, all the real property (that is, the landed property) of the deceased who has neglected to make a will, goes to his heir-at-law, while all his personal property (that

* It seemed preferable to leave this section as it stood in the first edition (June 1880), though since then something in the way of reform has been accomplished as regards Nos. 2 and 4 and 9, and much as regards Nos. 5 and 8.

is, property other than land) is divided equally among his children (after making due provision for the widow), or failing these, among the nearest of kin.

The abolition of this law, and the assimilation of real to personal property in case of intestacy, is advocated on the grounds :—

1.—That now a-days real and personal property are practically similar things under different names, and are equally secure ; and as there is now no need for a “head of the family,” the distinction drawn between them is merely a relic of feudalism, and out of keeping with the ideas of the age.

2.—(a) That the custom of primogeniture revolts the sense of equity, and ought not to receive any countenance from the law.

(b) And further, that the law should never be allowed to favour the one, as against the many.

3.—That it is the duty of a man to make a will ; which, if he neglects, the State should step in and administer his property with justice and equality to those of equal kindred ; and should not punish the younger children for the neglect of the parent.

4.—That however convenient this custom or law may have been, or may still be, with regard to rich landowners or ancient families, it works mischievously and unfairly in the case of small holders of land, and in cases where the whole property of the deceased consisted of land.

5.—That though the law does not often come into force (since most men with anything to leave make wills), yet it sanctions the principle, and has led to the custom, of an unequal division of property, and tends to the formation of “eldest sons,” and towards “entail”—and these are evils.

6.—That the abolition of the law would cause no re-

volution, but only affect a personal change of feeling opposed to entail and primogeniture, and in favour of the subdivision of property among the children.

7.—That the repeal of the law would therefore tend to break up the land ; that the more the land is broken up into small estates or plots, the better for the body politic, the present accumulation of land in a few hands constituting a grave political danger.

8.—That this law helps to maintain the aristocratic system of society in England ; and that to abolish it would be a democratic step.

Alterations in the law are opposed upon the grounds :—

1.—That social and material inequality has its advantages.

2.—That our social system has been built up on the principle of primogeniture ; and would be greatly shaken by any attempt to discredit or alter it.

3.—That the whole question is a very unimportant one ; the vast majority of landowners leave wills, and he who does not desire his eldest son to inherit all his real property, has but to make a will.

4.—(a) That the bent which the law gives towards the formation of “eldest sons” and to “entail” is advantageous to the country.

(b) That the law ought to follow the prevailing custom, and it is the prevailing custom with landowners to leave their land to the eldest son.

5.—That any law which has a tendency to prevent the subdivision of land has advantages, and should be retained.

6.—(a) That the law helps to maintain the aristocratic system of society in England ; to abolish it would be a democratic step.

(b) That it would tend towards the abolition of entail.

7.—That though it may occasionally lead to hardship, it propagates none of the evils of entail, for the heir succeeding under this law is absolute owner of the land and may sell it, or it can be seized for his debts.

8.—That if, in case of intestacy, the land had to be divided or sold, ill-feeling would often be engendered, and delay and loss would be occasioned.

9.—(a) That real and personal property are altogether dissimilar; the latter can without any difficulty be divided into portions, while the former cannot be distributed without considerable inconvenience; there is therefore no anomaly in dealing with them in a different spirit.

(b) That a personal estate, though distributed, can be re-accumulated; whereas a real estate, once broken up and divided, cannot be resumed under the same conditions as before.

(c) That personal does not appeal to the sentiments in the same way as real property; and, while the co-heirs would naturally object to the whole of the former being left to one person, they would usually be in favour of the non-division of the real estate; yet, if the law were changed, they could not prevent sub-division.

ENTAIL.

By the laws which, until 1882, regulated Entails,* a land-owner could so tie up his land by settlement that (if a sale

* Strictly speaking, there are no "Laws of Entail" in the very early or feudal sense of the word, *i.e.*, perpetual descent of land in one family. The descent of land is regulated by a custom, prevalent among land-owning families, and favoured by the law, and sufficiently universal to produce in practice results almost equivalent to those which would be produced by entail properly so called.

were expressly negatived, and in any case without the consent of the trustees and others interested) it could not be sold, or seized, or lessened in size, for a period comprising the lifetime of any number of persons actually in existence, and until the yet unborn child of one of these attained the age of twenty-one. None of the persons on whom the land was entailed, with the exception of the last, could sell the land or mortgage it beyond his life without the consent of all the other persons interested in the entail.

These restrictions have now been considerably relaxed by Lord Cairns' Settled Land Act of 1882, mentioned below; it did not, however, affect the other laws of entail, which prevent the tenant-in-tail (the last named in the settlement), even on attaining the age of twenty-one, from breaking the settlement without the consent of the "protector of the settlement" (*i.e.*, usually the existing tenant-for-life); and which provide that each of those on whom the land is entailed must carry out all the regulations and bear all the charges imposed on the estate by the will.

"The Settled Land Act" of 1882, referred to above, provides that:—A tenant-for-life may (1) sell, exchange, or partition some or all of his settled land; or (2) may lease it, with or without reservations, for a term of years; for building purposes, granting a ninety-nine years' lease; for mining a sixty years' lease; and for any other purpose a twenty-one years' lease; while, with the consent of the court, and subject to certain conditions, longer leases, even in perpetuity, can be granted. The capital money received from the sale, exchange, &c., is to be paid over to the court or to the trustees, and by them applied, according to the direction of the tenant-for-life, to, (1) Investment in Government securities, or other securities allowed under the settlement; (2) To the redemption of incumbrances on the land; (3) To payment for improvements under the direc-

tion of the trustees; "improvements" including such works as drainage of all sorts, fencing, reclamation, road-making, and the building of cottages * and farmhouses, &c., the making of railways or tramways—practically to any "permanent" improvement; the improvements, when made, have, however, to be maintained or insured by the tenant-for-life; (4) To the purchase in England of freehold or leasehold property (if sixty years unexpired). All such investments to devolve in the same way as the land would have done if left untouched.

If money is required from "enfranchisement," or for "equality of exchange or partition," it can be raised on mortgage of the settled land. Personal chattels devolving with land can be dealt with in the same way. The mansion or park cannot, however, be sold, except with the full consent of the trustees or by order of the Court; the "Court" being the High Court of Chancery.

As regards Scotland, the "Entail Amendment Act (Scotland)," of 1882, has practically abolished any legal support of "entails," and has changed the tendency of the law, so as to discourage the tying-up of land. This Act enables an owner of entailed land, if he desires to sell, to force the next heir to give consent to the disentailing of the property; the Court of Session fixes the amount of compensation to be paid out of the proceeds of the sale, to the "heir," for loss of entail; and after this sum has been paid, the owner is at liberty to dispose, as he pleases, of the balance. In England, as already mentioned, the proceeds of the sale must be re-invested in a specified way.

The abolition of the "Law of Entail"—or more

* Under the Housing of the Working Classes Act, 1885, land may be leased or sold for the purpose of erecting dwellings for the working classes at a less price than the market value.

strictly speaking of the power of settlement—is proposed on the grounds:—

1.—(a) That the law is the main prop of the aristocratic system of society which prevails in England; and that its abolition would be a democratic step.

(b) That its abolition would broaden the foundations on which law and order rest, by leading to the possession by a larger number of persons of a real stake in the country; that its abolition would therefore have a Conservative tendency.

2.—(a) That the law artificially fosters one class; and the protection of any class by the State from the consequences of its own folly or ill-luck, is unfair to the community, unsound in principle, and mischievous in practice.

(b) And that this artificial protection of the aristocracy really injures those whom it was meant to cherish, for by securing profligates from the natural consequences of their misconduct, it fosters profligacy, and damages both the character and the fortunes of the aristocracy.

3.—That if the ruined part of the aristocracy were allowed to perish off the land, and their places were taken by new men, it would lead to a greater mingling of the higher and middle classes—to the good of both and of the nation.

4.—That the law maintains in influential positions men unworthy to be in those positions.

5.—That the law lessens due parental control by making the eldest son independent of his father; that it leads to disputes between father and son; while it induces careless landowners to be more careless than they otherwise would be about the education of their children.

6.—That it causes the ruin of many eldest sons by allowing them to live in indolence; and by securing to them their succession, tempts them to anticipate and squander their

fortune ; while it causes penury to many younger sons, by depriving them of any share in their father's property.

7.—(a) That the accumulation of land in a few hands is a grave political danger ; while it leads to the evils of absenteeism.

(b) That in consequence of the existence of entail, though the wealth of the country is increasing, land is passing into fewer hands. The land laws generally, and entail particularly, have tended to the creation of large estates, and have caused the absorption of the small freeholds.

(c) That whereas land ought to be greatly broken up, the law tends to keep it in a few hands ; for it prevents estates being sold which would otherwise naturally, or in consequence of insolvency, come into the market, and thus artificially raises the price of land ; renders necessary long and costly deeds and wills ; and by thus throwing difficulty and expense in the way of ascertaining the state of the title, adds greatly to the cost of the purchase of land, more especially in the case of small plots.

(d) That the abolition of entail would tend to the sale of portions of an estate to provide jointures and provisions for the younger children, instead of these being charged on the estate.

8.—That the law offends against the canon of “ free trade in land,” viz., that neither should artificial restrictions on the sale of land and the breaking up of large estates be retained, nor should there be artificial fostering of small estates.

9.—(a) That the law causes the soil to be far worse dealt with than it would be if it were all in the hands of absolute owners ; for it tends to enlarge instead of to diminish estates ; for it deprives the landowner of any but a life interest in his estate, and thus greatly diminishes his care for the land ; it deprives him of the means of improving the

estate, inasmuch as he receives only the income, and may not sell part to improve the rest (at all events, without very great trouble), and may not raise money on mortgage, except for his own life, or for a limited number of years ; in most cases he has to save what he can for the younger children, instead of investing his surplus in improving the land, while he is obliged to charge the land with annuities and jointures ; and the restrictions and covenants inserted in the settlement often prevent him from agreeing to the best terms for himself and the tenant, thereby retarding the progress of agricultural improvements.

(b) That entailed land cannot be said to be really *owned* by anyone, but is a joint ownership of several persons ; the interests of the different co-partners being, moreover, often antagonistic.

(c) That if it be true—which is denied—that rents are, as a rule, lower on entailed than on unentailed properties, it is a proof that the land has been less judiciously farmed or improved.

10.—(a) That strict settlements, by suggesting re-settlement, tend to perpetual entail.

(b) That if entail and settlement were abolished, the feeling in favour of “tying up” land would gradually tend to disappear.

11.—That the abolition of the law would not specifically injure any single individual ; while it would benefit the general community.

12.—(a) That under the Act of 1882 the inducements to sale are not sufficient, seeing that the tenant for life has no real control over the proceeds.

(b) That where, as in the case of Scotland, he has an interest in the proceeds of the sale, much land has been brought into the market.*

* Land to the value of some £10,000,000 has been already disentailed under this Act.

13.—That England alone retains these laws ; all other civilised countries have greatly modified or entirely abolished them.

14.—(By some.) That all power of settlement, of any sort, in land, should be abolished ; and, to this extent, there should be less liberty of dealing with real than with personal property ; on the ground that, while it is more injurious to land that the owner for the time being should not have absolute power over it, personal property (for instance, consols), is in no way deteriorated by being tied up.

[Some consider that the advantages to be derived from the abolition of entail and settlements are problematical, but are in favour of sweeping away any class privileges or restrictions which can be shown to exist.]

See also the section on *INTESTACY*.

On the other hand, the “Law of Entail” is upheld on the grounds :—

1.—That there is something sacred about the ownership of land which must not be interfered with.

2.—(a) That it is of great importance to the country to preserve the ancient aristocracy intact ; an ancient aristocracy exercises a good influence on the character of a nation, and should, therefore, be indirectly protected by law.

(b) That the abolition of entail, by causing the monetary ruin of many peers, would necessitate alterations in the constitution of the House of Lords, and the disadvantages and dangers of such a step would outweigh any advantages to be derived from the abolition of entail.

(c) That any tampering with the present system of society, as founded on the aristocratic and feudal principles, would be little less than a revolution.

3.—That the land is better cultivated in large masses than if broken up among many small owners.

4.—(a) That the abolition of entail would tend to the purchase of estates by commercial men, and men with no knowledge or appreciation of the responsibilities and duties of property.

(b) That estates are better cared for and improved under the existing law than would be the case if it were abolished, for landowners cannot now mortgage heavily or squander their capital as if it were income ; while, except in an infinitely small number of cases, the interests of the tenant-for-life and his successor are the same as those of the public.

(c) That tenants-for-life and trustees do now possess very considerable powers of dealing with the land.

(d) That the abolition of entail would cause the destruction of many noble parks and mansions, the existence of which adds to the pleasure and refinement of all classes.

5.—That the abolition of entail would only accelerate the accumulation of land in a few hands, for its action chiefly helps to preserve the smaller properties ; the tendency of the land market being towards a diminution in the number of separate estates.

6.—That the heir may fitly claim the aid of the law in guarding him from the destruction of the property he ought to inherit. He may fairly ask that his predecessor should be only allowed to ruin himself, but not to ruin his successor as well.

7.—(a) That the younger sons partake in the benefit which this system confers on their (the aristocratic) class, and share the lustre of the family position ; while their best energies are called forth by the necessity of carving out their own fortunes ; and it is such men who have given us India, and colonized the world.

(b) That at the same time the responsibilities cast upon

the eldest son call out his best energies; while in most cases he has been properly educated for the duties of his position.

8.—That land is no more unequally divided than other descriptions of property; the unequal distribution is the result of wealth, not of the land laws.

9.—(a) That personal property can be entailed (by placing it in trust, &c.), and the abolition of the power of settlement would be placing real at a disadvantage as compared to personal property.

(b) That the abolition of the law of settlement would be equivalent to placing restrictions on freedom of settlement.

(c) That such restrictions would render land a less eligible investment than at present; and the objects aimed at would thus be defeated.

(d) That, if entail were abolished, the power to grant annuities and charges on estates to the widows and younger children would be greatly curtailed, and the security for payment would be diminished.

10.—That those who desired to tie up their land would easily find means to evade the law.

11.—(By some.) That rents are often lower, and that the tenure is more secure, on entailed, than on unentailed estates.

See also the section on **INTESTACY**.

REGISTRATION OF TITLES TO LAND.

Various attempts have been made to introduce a complete system of registration of Titles to Land, but as yet without success. In 1862 Lord Westbury brought in the "Transfer of Land Act, 1862," which, however, was so far from a success, that only five years afterwards Lord Westbury himself was called upon to preside over a Royal Commission to

enquire into the causes of the failure of the Act—a failure chiefly due to the fact that the scheme in no way provided for the simple register of title, but on the contrary encouraged complication. In 1873 Lord Selborne introduced a Bill, founded on the recommendations of the Royal Commission, which provided for the gradual registration of all titles. Lord Cairns re-introduced the Bill in 1874, exempting from its operation all land under the value of £300. Again, in 1875, the Bill reappeared, this time in a purely permissive form, as the “Land Transfer Act, 1875,” and was passed—but has been a dead letter. In 1878 a Select Committee was appointed to enquire into the subject, and reported, recommending:—completion of the ordnance survey of England; payment to solicitors by results and not by verbiage; vesting of the freeholds in some one ascertained person; substitution of simple charges on land defeasible in case of repayment, for the complicated machinery of mortgages and reconveyances; reduction of the time necessary for obtaining a “title”; establishment of convenient registers, properly indexed, and containing a clear *résumé* of past transactions.

It is proposed to establish Land Registry offices, where a public record of all transactions affecting the land should be registered, and information concerning them obtained for a small *ad valorem* fee.

By some it is proposed that the titles to land only should be registered, and that for every property one name should be registered as that of the legal proprietor, with absolute power of transfer. All titles, “absolute,” or “qualified,” as well as those depending on possession, would be here registered.

Priority of registration would give priority of mortgage, claim, or title. The object of the registration of title would be to dispense with the necessity in future transactions of tracing the history of past transactions.

By others it is proposed to register, not the title, but all deeds connected with the land.

Registration, whether of Title, or Deeds, or both, is advocated on the grounds:—

1.—That it would greatly facilitate the sale and purchase of land.

2.—That it would tend to the subdivision of land, and the formation of small properties; at present the cost of conveying small plots is (irrespective of the price of the land), out of all proportion to their value, and is often so great as to be prohibitive.

3.—That it would lessen the trouble and expense, and so facilitate the mortgaging of land.

4.—(a) That much litigation on the question of titles, deeds, and claims to land, &c., would be avoided; for registration would make titles, &c., much more secure.

(b) That the fraud at present occasionally perpetrated in titles and mortgage deeds would be impossible, and the fear of fraud would cease.

5.—That the landowners would profit by registration; the element of uncertainty of the cost of search being eliminated, registered land would fetch two or three years' purchase more than unregistered.

6.—That dealings in land are daily becoming more complicated, the sooner they are simplified by registration the better.

7.—That the registration of deeds in Scotland and Ireland, and of titles in Australia, has been a success.

The registration of Title alone is advocated on the ground :—

8.—That the simple registration of title would present the intending purchaser or mortgagee with the net results of former dealings with the property, while the registration of deeds places the dealings themselves before him, but leaves him to investigate them for himself.

The registration of Deeds alone is advocated on the grounds :—

9.—That the search of the register would be made by an official conversant with the subject, who would deliver a “certificate of search,” showing the results of his investigations, and the certificate would, for future transactions, be accepted as an abstract of the state of the title up to date, and thus the purchaser or mortgagee would be relieved from the necessity of a search anterior to that date.

10.—That the process of copying the deeds on the official register would involve purely clerical work, and would create no difficulty or delay.

11.—That the fear of malevolent curiosity is unfounded ; in the case of the Probate Court, the Middlesex, Scotch, and Irish Registers, no complaints have been made on this score, though any one, for a small fee, may search those records.

The proposals to register the Title, the Deeds, or both, are opposed on the grounds :—

1.—That they are impracticable ; and that all the schemes already put into operation have completely failed in their object.

2.—(a) That the title and deeds would still have to be “searched” at the Registry Office.

(b) And that the registered title and deeds would not satisfy a purchaser or mortgagee, and outside “searching” would be continued.

3.—That mistakes on the part of the “searcher” might lead the State into complications with reference to titles, &c., which would be inexpedient.

4.—That it would give rise to inconvenient enquiries and in many cases great difficulty would be experienced in proving the title.

5.—That it would be unfair to require landowners to go to the trouble and expense of registration, when perhaps they had no desire or opportunity of selling their land.

6.—Some, who are in favour of registration, consider that to legislate for the registration of titles and deeds, without, as a preliminary step, simplifying the titles to be registered, is to begin at the wrong end.

The proposal to register Titles alone, is further opposed on the grounds:—

7.—That if an owner were created for the purposes of registration, the remaining interests would become the subject of a second record of title outside the register; and searching would be as troublesome and expensive as ever.

The proposal to register Deeds is further opposed on the grounds:—

8.—(a) That the “searching” would be just as tedious and expensive at the Registry Office as it is at present outside.

(b) That the copying of deeds on an official register would be productive of much delay and expense.

9.—(a) That it would be unjust to expect landowners to expose to public view all their land debts, mortgages, and settlements.

(b) And that it would be equally unjust to expect them publicly to notify the fact when they wished to charge their estates with any burden ; while in the case of landowners employed in business, the knowledge that they were endeavouring to raise money might greatly injure their commercial credit.

COMPULSORY REGISTRATION.

It is proposed by some that, whatever may be the system of registration adopted, all existing landowners should be compelled to register their land ; others consider that the owner of land should not be compelled to register (though he might do so voluntarily), except at the moment of first selling or mortgaging his land after the passing of the Act.

Compulsory registration is upheld on the grounds :—

That unless registration be made compulsory, it will be delusive ; that it is the permissive character of the different schemes already adopted that has caused their failure. For, unless compelled, few care to embark in an experiment, the success of which is not assured, and in which there is no guarantee that their neighbours will follow their example. It is against the interest of the solicitors to advise their clients to register. Expense is involved at the time of registration, while the advantages to be derived from its adoption are prospective only. Some fear that a flaw in their title may be exposed, if they have to prove it ; or

dread the difficulties of identifying parcels of land. Some shrink from exposing their indebtedness, and the charges falling on their land.

DISTRESS.

Before 1883, by the law of Distress, the landllord had a first claim on the estate of the farmer for arrears of rent, and this had to be satisfied in full before the other creditors could receive a penny. And further, in liquidation of his own debt, he might seize any live or dead stock which might be on the land, even including that which was known to belong to persons other than the debtor. He might allow arrears of rent to run for six years, and at any time during that period he might enter and sell what he found on the land ; he was therefore at liberty to take advantage of any moment when stock or goods belonging to others might have been placed on the farm.

By the Agricultural Holdings Act (England) of 1883, the right of distraining for rent was limited to one year ; while any live-stock and agricultural or other machinery which may be on the land of the tenant, but *bonâ fide* the property of someone else, is now practically exempted from seizure.

It is proposed to abolish the law of Distress, and to put the landllord on the same footing as other creditors, on the grounds :—

1.—That the present law is a gross infringement of the principle of freedom of contract. It not only interferes with the freedom of contract between landlord and tenant, but also with that between the tenant and third parties.

2.—That the law is a relic of feudalism, and inconsistent with the present relations between landlord and tenant, as also between them and outside traders.

3.—That it places the tenant completely at the mercy of the landlord ; the latter can issue execution before making any application to the Court.

4.—(a) That it is an unfair monetary privilege possessed by one class at the expense of others. Money transactions connected with the cultivation of land should be put on the same footing as other commercial transactions.

(b) That the law is manifestly unfair on other creditors by giving a preference to one.

(c) That the law encourages the landlord to allow his tenants indulgences at the expense of others, and not at his own risk ; and this without the other creditors having a voice in the matter.

(d) That even without the law, the landlord would still be in a better position than other creditors to assert his claim, and to proceed at once, if the tenant were in arrears with the rent ; while, at the worst, he would but lose his rent, and could always recover the principal of his loan—the land—while other creditors would still be liable to lose all their advances.

5.—(a) That though landlords do not often take advantage of the power they possess of distressing, the knowledge of the existence of the law operates adversely to prosperity and production.

(b) For it increases the expenses of the farmer and the cost of production, in that it greatly lowers his credit, both by giving the landlord a preferential claim, and by making

it difficult for other creditors to ascertain whether, or how far, the rent is in arrears.

(c) It allows men without capital and "men of straw" to be accepted as tenants, whom the landlord could not afford to accept unless this law were in force; and by the undue competition of these men, rents are forced up, while better farmers, and men of capital, are often shouldered out, and production suffers.

(d) It discourages the tenant from investing his capital in the improvement of the soil.

6.—That therefore the consumer suffers from the law.

7.—That the landlords would gain by the abolition of the law; for as they would be obliged to take more trouble in ascertaining the solvency and capability of their tenants, they would, in many cases, obtain better men; the production, and consequently the rent of the land, would be increased.

8.—That the practice of allowing rent to fall into arrears is a bad one, and would tend to disappear if the law were abolished.

On the other hand it is contended:—

1.—That the present law is a right, and cannot be fairly abolished without compensation; that its abolition would unfairly advantage other existing creditors at the expense of the landowner.

2.—That practically the law is only put into force in the case of bad tenants; a landowner is more likely to be lenient than any other creditor.

3.—(a) That the abolition of the law would tend to diminish the amount of capital invested by landlords in the soil; while it would also discourage the tenant from sinking his capital in the land.

(b) That if the law were abolished, the landlords (for their own security) would have to demand payment of the rent in advance, and thus a large amount of capital would be withdrawn from the cultivation of the soil ; on the other hand, as rent is the surplus profit resulting from the farmer's outlay and attention, it would not be found possible to demand this profit before it were obtained.

(c) And that consequently the landlord would have to lend his land without any security for his rent ; while he would not possess equal means with other creditors of obtaining his dues ; greater insecurity would oblige him to raise his rents.

(d) That the landlord would require securities from the farmer ; and thus a pernicious system of securities and mutual backing would arise.

4.—(a) That it would lower rents by eliminating those farmers who are designated "men of straw."

(b) That often those farmers who have risen from the ranks are the best, but yet, as they possess little or no capital, the landowner, if the law were abolished, would not feel justified in accepting them as tenants.

5.—(a) That at present, arrears of rent are often allowed to accumulate in consequence of the landlord's sense of security ; this leniency could no longer be expected if the law were abolished ; consequently many existing tenants would at once receive notice to quit ; while in bad seasons the tenant could not, as now, count on receiving forbearance and assistance to tide him over times of adversity.

(b) That, therefore, many tenants would be ruined who might otherwise pull through ; and the tenants and the trades interested in agriculture would alike suffer.

6.—(a) That the landlord would not only lose his rent in the case of a bankrupt tenant, but, in addition, his land would probably have been greatly injured and diminished in

value, while the other creditors at the worst would only lose the goods they had advanced.

(b) That other traders need not advance their goods, or can always cease to do so ; the landowner must lend his land and cannot re-enter on it at any moment.

(c) That other traders have just as good an opportunity of ascertaining the solvency of a farmer as they have of gauging that of any other debtor ; they are aware of the preferential claim of the landlord, and are therefore not wronged by the law.

(d) That in all trades some creditors have, or can obtain, preferential claims.

7.—That the more easily debts are recovered the better for commercial prosperity and morality ; distress, therefore, should not be abolished, but greater facilities should be given to other creditors to recover their debts.

8.—That it would operate against leases if the landlord could not afford to allow any rent to fall into arrear.

[It is generally conceded that if the law of distress be abolished, the landlord must be given a more speedy right of re-entry than he possesses at present.]

TENANT RIGHT.

Before 1875 any improvements made by a tenant on his farm went by presumption to the landlord without compensation.

By the Agricultural Holdings Act of that year the tenant, if disturbed in, or resigning, his holding, became entitled to claim compensation for any improvements made on the farm by him. The Act was

however permissive, and landlord and tenant could contract themselves out of it.

By the Agricultural Holdings Act of 1883, compensation was made compulsory, the measure of compensation to be the value of the improvements to the incoming tenant; the county court being the final arbitrator. For permanent improvements the consent of the landlord is required; for "drainage," the landlord must do the work, otherwise the tenant has a right to perform it himself and claim compensation; for quickly perishable improvements the consent of the landlord is not required. Fixtures and machinery are made by presumption the property of the tenant.*

As tenant right is now in fact compulsory, it has not been thought necessary to reprint the section, appearing in former editions, and which dealt chiefly with the question whether or no the Act of 1875 should be made compulsory.

NOTICE TO QUIT.

About two-thirds of the tenant farmers in England formerly held their farms on a six months' notice to quit, and before the passing of the Agricultural

* It is objected to this Bill that it in no way protects the "sitting tenant" from an arbitrary increase of rent on his own improvements. On the other hand, it is urged that the landlord will be prevented from charging an unfair rent, through the fear that the tenant would quit and claim compensation; and that any other system must necessarily lead to a Government valuation of rents.

Holdings Act of 1875 they could be turned out of their holdings by a six months' notice. That Act permissively extended the notice to quit to a year; but allowed landlord and tenant to contract themselves out of its operations; a principle also adopted in the Act of 1883.

It is proposed to repeal this power, and to make a year's notice to quit compulsory in every case.

The proposal to make a year's notice compulsory is upheld on the grounds* :—

1.—That the short notice acts as a deterrent to the tenant against investing his capital in the land; for he has no security that his rent will not be immediately raised in consequence of his improvements; and he has no inducement so to rotate his crops as to obtain the greatest production.

2.—That the landlord would not be in a worse position in consequence of the alteration, for as the tenant would receive compensation for unexhausted improvements, there would be no inducement to him to exhaust the soil before leaving; if he did exhaust the soil, the landlord could sue for breach of contract.

On the other hand, the usual six months' notice is upheld on the grounds :—

1.—That it is seldom enforced, except in the case of really bad tenants.

2.—That if a year's notice were substituted, the landlord would be at the mercy of a bad tenant; he could not get

* The arguments for and against the question of " freedom of contract," as infringed by this proposal, are not given here.

rid of him quickly, and could not prevent his exhausting the soil and doing great damage to the land during the time in which he was under notice to quit.

3.—That the change would take too much power out of the landlord's hands; and would diminish his interest in his land.

4.—That it would act hardly on the tenant, by preventing him from surrendering his farm except on a long notice.

ALLOTMENTS EXTENSION.*

CONSIDERABLE powers have of late years been given to Municipalities, and to Rural Sanitary Authorities,† to erect houses, and to purchase plots to be let to the working classes. It is proposed still further to extend the functions and powers of the Local Authorities—the Municipal Corporation in towns, the representative County Councils in the country—so that, if they wish, they shall be enabled to acquire land compulsorily at a “fair price”‡ for public purposes, in order that they may re-let it in the form of cottages and allotments for labourers, and of small holdings for the working classes in the towns. The tenant to have security of tenure, so long as the rent is duly paid, and the other conditions of tenancy fulfilled.

* This section is left as it stood in former editions, though in 1887 an Act was passed “to facilitate the provision of allotments for the labouring classes.” It is alleged, however, that this Act is so hedged about with restrictions, and gives such opportunities for delay, as to make it useless for purposes of practical working.

† Most of these powers were extended to the Rural Sanitary Authority by the “Housing of the Working Classes Act” of 1885.

‡ A “fair price” was defined by Mr. Chamberlain, at Hull, August 6, 1885—to be “the fair market value, the value which the willing purchaser would pay to the willing seller, without any addition for compulsory sale.”

This proposal is supported on the grounds :—*

1.—That it is of the utmost social, economical, and political importance, to give an interest in the land to a larger number of persons.

2.—(a) That, at present, in consequence of the monopoly which exists in land, the labourer and the artizan are entirely divorced from the soil, which their labour makes valuable or productive. The labourer has no chance of obtaining with his cottage a reasonable allotment, at a fair rent, and with security of tenure ; the artizan, similarly, has no opportunity of renting a small holding.

(b) That whilst formerly the labourer used to possess rights of grazing on the roadsides, commons, &c., this land has now for the most part been enclosed.

3.—That, consequently, the lot in life of the ordinary labourer or artizan is “landless, joyless, restless, hopeless ;” a source of evil to himself, and a danger to the community at large.

4.—(a) That while the general wealth of the country has vastly increased, the condition of the working classes has not improved in proportion to the general average ; and the nation cannot rest content with the enormous disparity which exists in wealth, health, and happiness.

(b) That the best way of improving the condition of the working classes, is to give them a direct interest in the soil, to make them less dependent, to enable them to possess a home, and an interest to which they can turn their superfluous energies—something which will induce to thrift and saving, and prevent waste and drunkenness. This can alone be done, by giving them a direct and secure interest in the fruits of their labour.

(c) That it is little use to increase wages, or to lessen the

* See also the sections on Leasehold Enfranchisement and on Entail.

hours of labour, so long as the working man has no fair opportunity of improving his surroundings; unless a man can alter his surroundings, his surroundings will mould his character.

(d) That the possession of an allotment would not interfere with the daily duties of the labourer to his employer; while, by improving his condition, he would become a more efficient worker.

(e) That, thus, the working classes would be more hopeful, healthy, prosperous, and content, and the wealthier classes would be more secure against pestilence and revolution.

5.—That the present system has resulted in an enormous diminution in the number of labourers, with the result that the land is not properly cultivated.* By planting the labourer on the land, and by giving him an interest in it, he would be induced to remain in the country instead of, as now, migrating into the towns, a migration which results in his own great physical and mental deterioration, which lowers the wages of the townsmen, and which leads to the many grave social evils arising from overcrowding.

6.—That, thus, the general community (and especially the farmer) would benefit, both from the increased production which would ensue, and from the improved physique and morale of the people. The welfare of the people as a whole, not merely wealth in the aggregate, should be the aim and would be the result.

7.—(a) That the community at large has a perfect right—on paying fair compensation—to resume, for its own benefit, the land which originally belonged to it.

(b) That the landowners hold their land on the implied condition that it is to be used so as to produce the greatest advantage to the whole community, and if they will not,

* It is estimated that the labouring population of the country districts has diminished to the extent of 800,000 persons during the last fifteen years.

or cannot, carry out their duty voluntarily, they must be forced to do it, or have it done for them. In the matter of cottages and allotments, they have neglected their duty. Few landowners have a sufficient number of cottages on their estates, hardly any have given allotments.

(c) That, in the matter of land especially, the State has for too long allowed, and has in fact encouraged, the interests of the few to stand in the way of, and to override, those of the many.

8.—That the compulsory clauses would rarely have to be enforced, for the fear of them would cause landowners to do their duty to the soil, and to the working classes.

9.—That there would be no confiscation or robbery, as a fair price, to be settled by arbitration in case of dispute, would be given for any land resumed by the community.

10.—That experience shows, that without the possession of compulsory powers of purchasing at a "fair price," the Local Authority would be absolutely unable to acquire land, except at an exorbitant or prohibitive price.

11.—That the scheme would be no real infringement of the laws of political economy. Political economy assumes equality in dealings; at present, land being a monopoly, there is no equality between the two parties.

12.—(a) That the land system has been an artificial one. The State, by encouraging Entails, Primogeniture, non-division on Intestacy, &c., has done much to foster land monopoly, and to divorce the labourer from the soil. Merely to repeal these Land Laws would not undo the mischief which has been done.

(b) (By some.) That merely to cheapen and simplify the transference of land, would but tend to keep it in the hands of the same class of persons, and would probably result in the further purchase of land by the rich, and the increase in the size of estates.

13.—That legislation cannot do everything, and may not be successful in this instance, but it can assist to form, to clarify, to carry out public opinion. The voluntary system has failed ; it is time to see whether State interference would not attain the desired ends.

14.—That the proposal is undoubtedly a socialistic one. But Socialism is already incorporated in our laws, and there are precedents in the Poor Laws, Municipal Administration, Education Laws, Sanitary Laws, Artizans' and Labourers' Dwellings Laws, and more especially in the Irish Labourers' Dwellings Act ; * while compulsory powers of purchase are already possessed by railways, school boards, &c., for the public benefit.

15.—(a) That it is no new thing to give considerable discretionary powers to representative local authorities, and the tendency of the times is still further to enlarge their powers.

(b) That there would be no compulsion on the Local Authority to exercise their compulsory powers ; thus, unless the majority of the local community so desired, nothing would be done ; while, in every case, great caution would be exercised in the purchase of land and the provision of allotments ; and public opinion would always prevent excess in supply, or any unfair treatment of a particular landlord.

16.—(a) That there would be no fear of immovably fixing a particular labourer to a particular spot ; the tenant-right would always be saleable, and the holder would thus always be able to remove from one place to another without loss.

* This Act, passed in 1882, with the amending Acts of 1883 and 1885, practically gives to Boards of Guardians in Ireland, under the authority of the Local Government Board, nearly all the powers in the matter of purchase of land, erection of cottages, and letting of allotments, which are now demanded for England and Scotland ; loans for the purpose being made to the Boards of Guardians by the Treasury on very easy terms. The Boards are enabled not only to purchase land, to build cottages, and to attach to each half an acre of land, but can attach such plots to any existing cottages.

(b) That the Local Authority would not provide allotments and cottages for all ; thus there would never be any excess of labourers attracted by this means to any particular locality.

17.—(a) That the labourers and artizans would be glad and willing to rent cottages and allotments at a fair rent, with security of tenure. The habit and taste, however, for ownership having been lost by long disuse, it will only be re-acquired by degrees.

(b) That the offers made to them now, and refused (from whence some argue that they do not want allotments), are often not genuine ; no real security of tenure is offered, and, as a rule, enormous rents are demanded ; while they are made in order to stave off legislation, for electioneering purposes, or from desire of profit. Until the experiment has been more fairly tried, it cannot be said to have failed.

(c) That where the system of allotments has been genuinely carried out by some enterprising landlords, it has proved eminently successful.

18.—(a) That, the land being acquired at a fair price, and let on reasonable terms, the cost would be no burden to the rates. That even at present, where land is thus let to the labourer or artizan, he is able to make it pay—small holdings will answer where large ones fail—though his rent is high and his security of tenure small.

(b) That the addition of an allotment will enable him to pay for a better cottage, and to attain to a mode of living and diet now unknown to him.

(c) That even if, in bad times, the rents were not fully paid, the general benefit to the community resulting from the improved condition of the working classes, would outweigh the loss to the rates.

19.—(a) That it would be the first great step towards the creation of a class of peasant proprietors, which constitutes

the backbone of every country where it exists. The holders of allotments would be enabled, and have an incentive, to save money.

(b) That though the peasant proprietors abroad live hard and frugal lives, it is from preference and not from necessity.

On the other hand it is contended :—

1.—That the local authorities already possess ample powers of supplying any legitimate and genuine demand for cottages and gardens.

2.—(a) That while the State has a perfect right, for public purposes, and for the general good, to acquire land compulsorily—so long as it pays the full value—this power should be exercised only with great caution, and certainly should not be exercised for the sake merely of a few individuals.

(b) That those who would benefit from the proposal would be merely those few who were fortunate enough to obtain dwellings and allotments, which they would obtain at the expense of the landowner and of the general community.

3.—(a) That the general community would not benefit, but would be injured by the scheme. Public confidence in the “rights of property” would be seriously shaken, and thus, instead of increasing, it would tend to diminish wealth, by weakening the incentives to accumulation, and the means of profitable employment of capital. The first to suffer from this state of things would be the classes whom it is proposed to benefit, for they depend on employment.

(b) That the landowners would suffer much from the confiscation of property which would take place. The

“fair price” which would be given by the arbitrators would never equal the real value which the landowner could obtain by holding on to his land, or by taking advantage of a favourable moment. The price given would not cover the loss which would ensue from the deterioration in value of the whole estate, caused by the arbitrary seizure of certain portions of it—perhaps the most valuable portions—for the erection of cottages or the formation of allotments.

4.—(a) That it is for the benefit of the nation, as well as of the individual, that “ freedom of contract,” “ rights of property,” the principles of political economy, the law of supply and demand, should be fully respected ; the scheme would run counter to them all.

(b) That by creating a feeling of insecurity in the possession of land, it would diminish the desire of possession, while it would take from the farmer the confidence he now feels in investing his capital and labour in the cultivation of the soil.

5.—(a) That no legislation can possibly prevent the enormous inequalities of wealth which will always exist in the world ; vexatious legislation can easily diminish, without in any way diffusing, the total wealth of the community.

(b) That a certain amount of labour would be irrevocably fixed on the soil, in a particular place, irrespective of varying needs and fluctuating local demands, and the labourer himself would be hindered from freely migrating to wherever he could best obtain work and wages.

6.—(a) That experience has shown that labourers and artizans do not want, and cannot afford, to rent allotments or good dwellings. Such experiments as have been made in that direction have mostly failed.

(b) That where the farmer, who has capital and intelligence,

fails, the working man certainly would not succeed in earning enough to pay a fair rent for, and to keep up a cottage and allotment ; at present, as a rule, the rent of the cottage is nominal, to make them a pecuniary success the rents would have to be raised to a point prohibitive to the ordinary labourer.

(c) That land cannot be profitably bought to be let in cottages and allotments ; and more especially would this be the case where the purchaser was an uneconomical and routine-ridden public body. A labourer, if he undertook to pay the rent which must be demanded in order to save a loss, would soon fall into arrears ; there would be nothing to prevent his exhausting the holding, and there would be great difficulty in forcing payment of the rent, or in evicting him if in arrears ; thus the cost of the scheme to the rates would be very considerable, and a few would be subsidised at the expense of the many.

7.—(a) That it would constitute an interference with the labour market, and affect the rate of wages. Wages would not rise, while the labourer would be called upon to pay an increased rent for his cottage, his low rent being at present “considered” in his wages.

(b) That the farmers, and other employers, would not be able to afford to pay as high wages as before to those who would now be giving much of their time and energy to their own land.

8.—(a) That, on the whole, the landowners have dealt very well with the labourers.

(b) That the lot of the labourer was never better than it is now.

9.—That public expectations would be raised which could not be fulfilled ; and there would be much disappointment and irritation.

10.—That the diminution of population in the agricultural

districts is due, not to the action of the land laws, but to the introduction of machinery, to the extension of pasturage, and to the disastrous depression in agriculture.

11.—(a) That, on the part of the Local Authority, there would be great temptation to jobbery and political corruption, both in the purchase of land, &c., and in the selection of tenants.

(b) That it would place enormous power in the hands of the Local Authority to injure or annoy any particular landlord, against whom there might be a personal or public prejudice; while this power would be also wielded for purposes other than the legitimate one of acquiring necessary land.

12.—(a) That the Local Authority would have to erect cottages as well as let allotments, and thus would become itself a landlord; and a corporate body is always, and is bound to be, much stricter in its dealings with its tenant than the ordinary landlord.

(b) That it would have very great difficulty in deciding between the respective demands of rival claimants to cottages and allotments.

13.—That, with security of tenure and fair rents, gradually the right of free sale of the tenant's interest would spring up, and the Local Authority would soon lose all control over the disposal of the allotments.

14.—That if men are to be set up in one form of business by the State, at the expense of the community, the demand will be raised to extend this privilege to others.

15.—(a) That experimental legislation, such as this, would probably do more harm than good.

(b) That the interference of the State would discourage voluntary effort, and thus, in the end, less and not more will be accomplished in the desired direction.

16. (The "laissez faire" argument.)—That, at present, there is altogether too much legislation and demand for legislation. Things are better done by voluntary means and voluntary agencies, by bringing public opinion to bear, than by hasty legislation.

LEASEHOLD ENFRANCHISEMENT.*

IT is proposed that the urban leaseholder, holding a lease of which twenty years† are still unexpired (or 'for lives'), should have the power of purchasing the freehold of his house at a fair price; or, at his option, pay a perpetual rent-charge in lieu thereof. The price, in case of dispute, to be decided by the County Court. The purchase, or perpetuity, for the unexpired term of the lease, to be subject to any covenants or restrictions contained in the lease, except in regard to structural alterations.

This proposal is upheld on the grounds:—

1.—(a) That as property—especially landed property—is held more or less at the convenience of the community at large, the State has always a right to lay down and to vary the terms on which it shall be held.

* In connection with this subject, the reader is recommended to refer to the First Report of the Royal Commission on the Housing of the Working Classes, 1885, especially to pp. 11, 22, and 59; to the evidence given before the Town Holdings Committee 1887 and 1888; to *Leasehold Enfranchisement*, by Mr. H. Broadhurst, M.P., and Mr. R. T. Reid, M.P., and to the reply under the same title by Mr. Arthur Underhill. See also the section on "Allotments Extension."

† Many persons would desire to see the powers extended to all bona fide tenants holding leases of a year or longer.

(b) That the State, being only the aggregate of individuals, has a right, for the general benefit of the community, to interfere with the monopoly of a few individuals.

2.—(a) That it would not be an interference with true “freedom of contract,” but with a monopoly. Freedom of contract cannot exist where, as in this case, the two parties are not on terms of equality. In the case of land used for residential purposes, especially in certain parts of London and in other large towns, the monopoly is almost absolute; the householder has practically no choice of locality, and the freeholder can exact his own terms. This monopoly must become even greater as population increases in every centre of trade, industry, and fashion.

(b) That even where freedom of contract does exist, it can be over-ridden on grounds of public policy; and there are, in every department of life, many precedents for so overriding it.

(c) That, in the case of railways, artizans’ dwellings, street improvements, &c., compulsory purchase is of everyday occurrence.

(d) That, in the case of copyholds, the State has already stepped in and has enabled any copyholder to enfranchise his land, with or without the assent of the landlord.

3.—(a) That the multiplication of freeholds, and the reduction in the size of enormous urban estates, would tend towards the stability of political institutions, and of the rights of property.

(b) That the present absorption of town property in a few hands is unjust and injurious, and constitutes a serious social danger; while, as leases gradually fall in, the anomaly will become more marked, and the danger to property will consequently be increased.

(c) That it is better to accept a moderate measure, tending (without injustice) to the greater sub-division of real

property, rather than to postpone reform until the absorption of town property in a few hands has become so unendurable that measures far more revolutionary are inevitable.

4.—That to give power to the leaseholder to purchase the freehold of his house would involve no confiscation of property, as a fair price would be paid.

5.—(a) That, on the other hand, the existence of the present system of leases subjects the leaseholder to periodic confiscation of property without compensation. The value of the house for which he has paid, and of his improvements (often insisted on by the landlord) is never actually exhausted by the end of the lease.

(b) That, at the end of the lease, the property, however little exhausted, passes absolutely to the landlord, who either evicts the tenant without compensation, or renews the lease at an increased rent.*

(c) That the landlord, without having himself expended a sixpence on the property, is enabled to charge an increased rent, either because of the actual expenditure of capital by the tenant, or by reason of the natural increase of value (the “unearned increment”) which has taken place, the result of the capital, labour, thrift, enterprise, and rating of the individual tenant and of others.

(d) That more especially does confiscation take place in the case of a tradesman who has worked up a business, and to whom removal means loss of connection. As he has no legal means of acquiring his freehold, he is, when his lease falls in, at the mercy of the landlord, who can exact what premium or additional rent he pleases; can, in fact, force him to purchase the goodwill which he has himself created.

6.—(a) That the system of “building leases,” to which the system of leaseholds gives rise, still further aggravates the evil of the monopoly, by placing town dwellers at the

* Paid often in the form of a premium.

mercy of the freeholder and builder; thus enabling these latter to charge exorbitant rents, to absorb the capital of the tenants without compensation, and to impose restrictive and irksome conditions, which totally prevent improvement of the property.

(b) That as the builder has not only to receive a fair interest on his outlay, but also such a return as will replace his capital within a limited number of years, he must charge an enormous rent in order to recoup himself.

7.—(a) That while it is perfectly true that on large properties the system of leaseholds enables the freeholder to deal with and to improve the estate more freely, these advantages are too dearly purchased. The existing system enables him for a fixed period to impose any restrictions he pleases on the use or enjoyment of the property; and thus places large tracts of houses, sometimes whole towns, at the mercy of one man, and gives him an undue power over other people.

(b) That the possibility of a general improvement by the freeholder of a particular property at some distant date when all the existing leases shall have fallen in, has practically the effect of postponing any improvements until that time arrives. Continuous improvement by the tenant is sacrificed to an hypothetical general improvement twenty or thirty years hence.

8.—(a) That the conditions usually imposed in building leases are not only irksome to the occupier, but tend indefinitely to delay progress and improvement in town property.

(b) That even where the tenant is prepared to take the risk, all manner of obstacles are thrown in the way of his making improvements. Leave, as a rule, is difficult to obtain, while a deterrent system of fines and fees very often prevails.

9.—That there would be no difficulty in providing against such use being made of the purchased house, as would adversely affect the value or comfort of the neighbouring property. At present, moreover, the local authority has power to prevent a man from putting his house to uses likely to cause injury or annoyance to his neighbours.

10.—(a) That the shortness of the usual building lease, and the system whereby the freeholder comes into the whole of the reversionary interest in the house, causes houses to be cheaply and badly built. The builder is tempted to scamp the work, in order that the house may not outlast the term of the lease. Consequently houses are run up in an unsanitary and uninhabitable condition, such as to cause injury to the occupier and annoyance to the neighbours.

(b) That, similarly, the leaseholder is discouraged from making any repairs or improvements of a permanent nature.

(c) That where it is a condition of the lease that the houses must be substantially built, the additional outlay thereby involved forces the builder to charge largely increased rents; money which ultimately goes into the pockets of the landlord.

11.—(a) That during the “fag end” of a lease the houses necessarily fall into great disrepair, to the injury of the health and comfort of the general community—for the leaseholder will not, and the freeholder cannot, expend money on keeping them in a proper state of repair.

(b) That more particularly is this the case in the poorer and most overcrowded quarters of London. There, especially, the “fag ends” of leases are bought up by speculative middlemen, who turn tenement houses into lodging houses, overcrowd them, exact the highest rents, and fulfil none of the duties and responsibilities which ought to devolve on the landlord.

(c) That this baneful system of middlemen, very much the creation of the terminable leasehold system, is greatly encouraged by the fact that those houses on an estate of which the leases first fall in are usually re-leased for short periods only.

12.—That thus—by causing houses to be ill-built, by preventing them from being kept in a proper state of repair, by preventing old houses from being pulled down and new ones built in their place,—the present system causes great waste of capital, danger to health, overcrowding, and excessive rents.

13.—That while it ought to be to the direct pecuniary interest of some one person that each house should be well built, and be maintained in a proper condition, there is, under the present system, throughout, a dual (sometimes a treble) and antagonistic, and at some periods a mutually paralysing ownership in the same property. Dual ownership means divided responsibility, and the division of responsibility inevitably involves, in the end, neglect and decay.

14.—That the ordinary system of leases has led to the worse evil of “leases for life,” which paralyses all the energies of the lessee, and causes stagnation of enterprise; no one is foolish enough to make improvements when the period of their ownership depends merely on the life of another.

15.—(a) That under the existing system the occupier, however anxious he may be to purchase his freehold, has, usually, no chance of being able to do so.

(b) That the prospect of becoming the owner of his home, and the knowledge that such improvements as he makes will be for his own use and benefit, would conduce to industry and thrift in the leaseholder.

16.—(a) That a man can, if need be, borrow more easily and cheaply for the purchase of a freehold than for that of a leasehold house.

(b) That as there would be no compulsion, the tenant would presumably not purchase unless his means permitted him to do so.

(c) That, as now, where freeholds are purchaseable, and as in the case of leasehold houses, societies would be formed to enable working men to purchase their freeholds by the payment of small instalments.

17.—That there would be no interference with short leases or temporary arrangements, or with houses *bonâ fide* used by the owner for his own purposes. But to grant a lease for over twenty years implies that the transaction is not a temporary one, and that the property is being used chiefly as a source of income. There would be no real infringement on the rights of property by the compulsory purchase of the ground rent at a fair price.

18.—That as building land is much more valuable than agricultural land, owners would not refuse to apply suitable plots to building purposes ; while further legislation could, if necessary, be introduced to prevent such an abuse of the rights of property.

19.—That the system of terminable leaseholds relieves ground landlords from their due share of local taxation.

20.—(a) That the leasehold system is of comparatively modern date.

(b) That the system is confined to certain districts only in England.

(c) That throughout the greater part of the Continent, and the United States, the system of leasehold tenancy does not exist.

21.—That, unless the proposal be made retrospective, the evils of the leasehold system will continue unabated during the period of the existing leases—50, 60, or 70 years.

On the other hand it is contended :—

1.—That the proposal would involve a gross interference with the rights of property.

2.—(a) That it is very inexpedient that Parliament should interfere with the ordinary operations of trade ; and, unless under very exceptional circumstances, no interference with “ freedom of contract ” should be permitted.

(b) That there is no monopoly involved. The householder is at liberty to live where he likes, and the contract into which he enters is but a fair market transaction.

3.—(a) That State interference with the rights of property must only be in the interests of the general community. In this case, the State would be interfering with the rights of certain individuals in order to benefit, not the community at large, but merely certain other individuals.

(b) That thus would be created a very dangerous precedent for subsequent spoliation of property.

4.—(a) That the adoption of the proposal would injuriously affect national and local prosperity and improvement, by placing restrictions on the free exercise, development, and investment of capital.

(b) That, moreover, it would induce freeholders to limit their leases to under twenty years, and would thus seriously aggravate, and in no way alleviate, the evils of the leasehold system. Yet, if the plan were applied to all leases however short, it would put an end to many of the most necessary and convenient operations of trade and social life.

5.—That the interests of the landlord in the cases of a copyhold and of a freehold property are totally distinct. In the former case he has practically but a simple pecuniary interest, and has no real reversion in the land itself.

6.—(a) That if the State interferes with the rights of

property, it must take care that full compensation be given to the individual who is expropriated.

(b) That, in other cases of legislatively compulsory sale, a considerable bonus is allowed, in addition to the market value. Under the proposal now made, no such bonus is to be given—the price is to be that which a willing seller would accept from a willing buyer.

7.—(a) That, in estimating the price, the prospective value of the freehold, which represents much to the freeholder, but of which the actual market price is small, would not and could not be adequately taken into account by the arbitrators.

(b) That the freeholder receives for very many years but a small fixed annual sum, and is deprived of any share in the “unearned increment” of his property. It is but just, therefore, that he should ultimately benefit from the improved value of his own estate.

8.—(a) That improvements made by the owner to the whole property (streets, roads, open spaces, and general improvement of the neighbourhood) would not be adequately taken into account in estimating the value of a particular house.

(b) That, moreover, the general value of the estate would be seriously deteriorated by the purchase of some plots and not of others; while the freeholder would probably be left with the least valuable and saleable portions of the estate on his hands. The loss occasioned by “severance” would not be susceptible of valuation in the case of individual houses, and no compensation would be given, though to the freeholder the loss would be very great.

(c) That, further, a tenant, after purchasing, might proceed to apply his premises to some trade which would injuriously affect the value of the surrounding houses; or he might purchase with a view of forcing the freeholder, under

threat of turning the house to some obnoxious purpose, to re-purchase at an exorbitant price.

9.—That the purchaser, having power to buy at any time during the duration of his lease, would choose his own time, and take advantage of a moment of low prices to purchase his freehold cheaply ; while the seller would have no corresponding advantage.

10.—That it would force the owner to produce and prove his title, to reveal his debts and encumbrances, and might thus do him serious injury ; while, after all, the lessee might not proceed with the purchase.

11.—That every enfranchisement would lead to costly litigation.

12.—That thus, in manifold ways, the freeholder would be seriously injured ; part of his property would be transferred to the lessee, he would not receive full compensation for his loss, and the rights of property would be infringed.

13.—That if fair and full compensation were granted, the tenant would be no better off than before ; the benefit he looks to is to be obtained only at the expense of the freeholder.

14.—(a) That, under the existing system, the tenant purchases or leases his house on much less onerous terms, in consequence of its being a wasting property, than would otherwise be the case. There is thus no confiscation of the property of the leaseholder.

(b) That where improvements are made by the tenant, he makes them with the full knowledge that his right in them will expire with his lease.

15.—That few tenants would be able to raise the necessary capital for the purchase of the freehold ; or, if able to do so, they would, in many cases, be so crippled that they would be unable to effect necessary or advantageous improvements.

16.—That, as a matter of fact, unless a readjustment of ground-rents were first made, any system of assessing

compensation on the value of a particular ground-rent would be grossly unjust, for, in many cases, it would afford no true criterion of the value of the lessee's interest, the ground-rents, on large properties, being, as a rule, arbitrarily divided among the lots.*

17.—(a) That, at the best, the class of house-landlords would not disappear; the place of the large freeholders would never be taken by small freeholders.

(b) That the large freeholder is, as a rule, more generous and far-sighted than the small; more amenable to public opinion, and more able and willing to undertake general improvements.

18.—That, if an estate were cut up into many separate freeholds, the public improvements now carried out to the benefit of the property, and of the neighbourhood, without any cost to the rates,—such as making roads, setting back fronts, structural improvements, giving land for schools and churches, &c., &c.,—would not be undertaken.

19.—That the power to deal as a whole with an urban estate on the termination of the leases is often absolutely essential to dealing to advantage with it at all. The sale of the freeholds of a few detached houses would render it absolutely impossible to carry out plans for rebuilding or improving, which would be not only to the profit of the freeholder, but to the benefit of the whole neighbourhood.

20.—(a) That the restrictions on use imposed on leasehold houses are of great advantage to the whole of the

* “The reason for this apparently eccentric procedure is as follows:—The practice is to secure the total rent payable to the landowner as early as possible, by apportioning comparatively high rents to the houses first built; the consequence of course being that, as the agreement is gradually worked out, very low or even nominal ground-rents are reserved in the leases of the houses last built; and thus two identical houses on the same estate are often subject to widely different ground-rents.”—Underhill, *Leasehold Enfranchisement*, p. 39.

tenants, by preventing any individual from injuring or annoying his neighbours by establishing some objectionable trade or business.

(b) That restrictions on use could not be imposed indefinitely; and, if imposed only for a limited time, they would be but a temporary safeguard. At present, the neighbouring tenants and the freeholder are protected from a nuisance by the full control which the latter possesses over his own property; the freehold once passed out of his hands, his power would be gone.

(c) That, at present, public-houses are often suppressed as the leases fall in; under the proposed system, the brewers, who are usually the actual lessees, would buy up the freehold, and thus perpetuate the nuisance.

21.—(a) That flimsy buildings and scamped work are unknown on large freehold properties, substantial buildings are there insisted on.

(b) That the builder is not only bound, under contract with the freeholder, to erect substantial dwellings, and, under Buildings Acts and local statutes, to make them safe and sanitary, but he must erect good houses in order to be able to sell them.

(c) That, as a rule, the houses on leasehold estates are pulled down and replaced by better and more modern buildings, long before they become in the least uninhabitable. The system ensures complete periodic renovation.

(d) That the individual freeholder would, as a rule, neither be in a position nor would he desire to pull down and rebuild his house, until forced to do so by efflux of time.

22.—(a) That as the landlord can insist on the tenant keeping the property in repair, a freeholder in reversion is much more likely to take care that the property is kept in proper repair, than is a freeholder in possession who will have himself to pay for any repairs.

(b) That, as a matter of fact, leasehold property is, as a rule, in a much better state of repair than small freehold property.

(c) That, in American cities, where small freeholders abound, there is as much poverty, overcrowding, and wretchedness as in the large towns of England ; proving that the existence of leaseholds is not the cause of the evil.

23.—That the abolition of leaseholds would entirely destroy the present very convenient system of division of labour and risk, under which the freeholder supplies the land, and the builder erects the buildings, develops the property, and re-sells to the leaseholder.

24.—(a) That the worst cases of insanitary, overcrowded, and uninhabitable tenements exist in the case of those houses which, being let on short terms only, would not be affected by a system of leasehold enfranchisement.

(b) That the working classes alone suffer from the system of leaseholds. But they, being for the most part merely weekly or monthly tenants, would in no way benefit from the proposed change.

(c) That they would, on the contrary, suffer special injury, inasmuch as the system of farming tenements and turning them into lodging houses, provides a larger amount of accommodation at a cheaper rate than would otherwise be the case. And, whereas they now often combine to form building clubs, in order to erect a block of houses on long leases, the change, by preventing long leases, and the carrying out of comprehensive building schemes, would prevent this ; and they could not afford to buy their freeholds.

25.—That, instead of diminishing, the change would aggravate the evils of high rents and overcrowding, for rich owners would not be so anxious to build, and, in many cases, would altogether refuse to let their land on building leases.

26.—That even if the proposed reform tended to the extinction of a particular class of middleman, they would crop up in a worse form elsewhere. The working-man lessee, especially, would be tempted to sell his reversionary interest in the purchase of the freehold to some speculative middleman.

27.—That it would be impossible to create a Court capable of fairly assessing the value of the freeholds.

28.—(a) That a vast number of persons hold ground-rents simply as a secure investment, or have advanced money on them ; and these would suffer, not only from the depreciation in marketable value that would take place, but from the fact that, instead of a perpetual and increasingly valuable security, they would possess an investment repayable, and repayable in dribs and drabs, at the option of the leaseholders.

(b) That great difficulty would arise in assessing the comparative claims of mortgages, settlements, &c., charged on freeholds where some tenants purchased and others did not.

29.—That the State would be called upon to advance money on easy (and unremunerative) terms to leaseholders, to enable them to purchase their freeholds.

30.—That in any case the proposal should not be retrospective, for that would be to insert into a bargain advantages, to one side alone, which were not taken into account when the bargain was struck.

INTOXICATING LIQUOR LAWS.

SINCE 1552, when the first Licensing Act was passed, a vast amount of legislation has from time to time been promulgated, dealing with the different questions connected with the sale of intoxicating liquors. The aim of this legislation has usually been to restrict and safeguard the trade by checking and regulating its dealings, with a view to diminish drunkenness, and to preserve public order and morality; on the principle, that the State may interfere with a trade in order to keep people out of harm's way, even though that trade does not itself trespass on any individual rights.

In 1871, Mr. Bruce (Lord Aberdare) introduced a comprehensive measure of reform, which was intended:—To repeal in whole, or in part, forty or fifty Acts of Parliament relating to liquor traffic; to abolish the right of appeal from the decision of the local licensing justices; to enforce greater care in the issue of new licences; to provide that all new licences should be advertised, and submitted to a vote of the ratepayers, a majority of three-fifths to possess the power of vetoing or reducing, but not of increasing, the number proposed; while at the same time it was to be the duty of the licensing justices to prevent the number of public-houses falling below a certain proportion to the population; to cause fresh licences to be disposed of by tender; to determine all existing licences after ten years, when they would

come under the regulations applied to new certificates ; to diminish the hours of opening ; and to increase the severity of punishment for adulteration. This Bill was withdrawn, but was followed, in 1872, by an Act, introduced by Lord Kimberley in the House of Lords, the main provisions of which, as passed, were :—To improve, by strengthening, the licensing boards, without departing widely from the existing system ; to increase and consolidate the police regulations with reference to convictions for illegal acts, and the forfeiture of licences ; and to curtail the hours of opening.

In 1874, Mr. (now Lord) Cross introduced the latest Licensing Act, which modified the Act of 1872 by :—Fixing by statute the hours of opening and closing, instead of leaving them to the discretion of the magistrates ; by extending for half an hour the authorised hours of opening in some towns ; by slight alterations in the police regulations, and the law of adulteration ; and by curtailment of the power of search.

The public revenue derived from the liquor trade amounted, in 1888, to about thirty millions annually ; and it is estimated that the annual expenditure on Intoxicating Liquors amounts to some £120,000,000.

The existing forms of licence in England granted by the Excise are :—

1. Wholesale, to sell beer, wines, and spirits. 2. Retail, which include :—

(1) The licences to sell any description of intoxicating liquor, wholesale and retail, for consumption “on” or “off” the premises. (2) Beer-house licences, to sell for consumption “off” the premises. (3) Ditto, for sale “on” the premises. (4) Wine licences to shop-keepers, for consumption “off,” and to refreshment-house keepers for consumption “on” the premises. (5) Spirit and liqueurs retail licences, for those who have taken out a wholesale

licence. (6) Ditto, retail beer licences. (7) Licences to dealers in table-beer.

“On” licences are granted, in counties, by the local magistrates in Brewsters’ Sessions, their decision to be confirmed by the County Licensing Committee, chosen annually at Quarter Sessions. In boroughs, by the Borough Licensing Committees, to be confirmed by the whole body of Magistrates. Confirmation is not required in the case of “off” licences.

Licences for consumption “on” the premises may be refused by the magistrates at their discretion, without assigning any reason. “Off” licences can only be refused on one of the grounds—that the applicant has failed to produce satisfactory evidence of good character; that the house is a disorderly one; that the applicant has, by his misconduct, forfeited a licence; or that the applicant or the premises are not legally qualified.

In the metropolis, the week-day hours of closing are from 12.30 to 5 A.M. In towns and populous places, from 11 P.M. to 6 A.M.; and, in rural districts, from 10 P.M. to 6 A.M.

FREE LICENSING.

There are some who even now assert that the surest way of diminishing intemperance, without an undue interference with the trade, would be to allow “free trade” in liquor under certain necessary restrictions. That is, they would allow any man who could give guarantees of personal character, and who possessed

suitable premises, to open a public-house when and where he chose.

This proposal is upheld on the grounds:—

- 1.—That it would avoid the evils of a monopoly.
- 2.—That free competition (under suitable restrictions) would not tend to increase the number of public-houses, but would rather diminish it.
- 3.—That the general character and respectability of public-houses would be raised by competition.

(Leaving out of account, for the moment, the arguments of those who are opposed to any State recognition of the liquor trade.) This proposal is opposed on the grounds:—

- 1.—That such a system would largely increase the number of public-houses.
- 2.—That it would deprive the inhabitants of a district of all opportunity of expressing their opinion on the question of the increase of public-houses in their neighbourhood, and of the power of limiting the number.
- 3.—That as the free-trade experiment, essayed under the Beer Act, has admittedly failed in its object, it would be no more likely to succeed if extended to public-houses.
- 4.—That any movement towards free trade in liquor would be altogether opposed to the recent policy of restriction, which now meets with the general approval of the country.

RESTRICTIONS ON THE LIQUOR TRADE.*

Others are in favour of imposing considerable further restrictions on the sale of intoxicating liquors, while allowing the existing trade to continue ; and would restrict the issue of licences ; would shorten the hours of sale ; would make the licensing authorities a more popular body ; would grant to them a greater power of withdrawing or suspending licences ; would increase the penalties against drunkenness ; and would make the laws against adulteration more efficient and more stringent, on the grounds :—

1.—That where liberty leads to abuse, it must be restricted.

2.—That far more licences have been issued than are required for the public convenience.

3.—That the present mode of issuing licences is unsatisfactory.

4.—That the ratepayers are entitled to some voice in the issue of licences.

5.—That the supervision of public-houses, and the punishment of offending and disorderly publicans, is not enforced with sufficient stringency.

6.—That the hours during which public-houses are allowed to be opened might be curtailed, without actually interfering with the liberty or material convenience of the public.

7.—That drunkards being a curse, not only to them-

* See also Local Option.

selves but to others, may without injustice be severely dealt with.

8.—That the laws against adulteration are inefficient, and imperfectly enforced.

At the same time they would consider that any legislation must be based on the principles :—

1.—That the public has a right to be supplied with convenient and respectable places of refreshment.

2.—That all interests which have been recognised and regulated by law, however qualified their nature, or questionable their character, are entitled to just and fair consideration ; and if injured by an alteration in the law must be fully compensated.

3.—That unjust and unnecessary restrictions or capricious dealings would be injurious, inasmuch as they would tend to drive away respectable men from the trade.

All these proposed restrictions are condemned ; on the one hand, as leading to undue interference on the part of the State, and as difficult to put into execution ; on the other, as an attempt to bolster up and sanction a trade which should not be allowed to exist.

LOCAL OPTION.

The term “Local Option” is now usually defined to mean that the licensing powers should be taken out of the hands of the Justices, and placed in the hands

of the Corporations in Boroughs, and of the County Councils in Counties, as directly representative of the inhabitants of the district.

The principle of this proposal was contained in the Local Government Bill of 1888,* but the compensation provisions were so strongly opposed, that the licensing clauses of the Bill were withdrawn.†

The principle of Local Option is upheld on the grounds :—

1.—That the present licensing system is open to objection, both in its construction and in its working.

2.—(a) That it gives to partial and non-representative persons belonging to one class only, powers which ought to belong to the general community, seeing that all suffer or benefit from their exercise.

(b) That the existing licensing body, not being amenable to public opinion, is greatly influenced by pressure from the publican interest ; the magistrates have issued far too many licences, and have not sufficiently exercised the power of cancelling licences for misconduct.

3.—That, even if it be granted that the licensing powers have not been abused, it is not right that such enormous power should, in these democratic days, be in the hands of a non-representative body.

* See section on Local Self Government.

† The abstract resolution affirming the principle of "Local Option" was carried in the House of Commons in 1880 by 229 votes to 203 ; again in 1881 ; and again in 1883 by 264 to 177. The resolution ran as follows— "That this House is of opinion that a legal power of restraining the issue or renewal of licences should be placed in the hands of the persons most deeply interested and affected, namely, the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system, by some efficient measure of Local Option,"

4.—(a) That the people themselves, in this, as in other things, best understand their own wants and wishes.

(b) That as the question of the liquor trade is of vital importance to the inhabitants of each locality, they ought to have full control over the issue and renewal of licences, so that these may be regulated according to their wants, sentiments, and desires.

5.—(a) That, more especially in the case of a trade so pernicious as the liquor trade, they ought, through their representative local authority, to have full power of protecting themselves if they so desire.

(b) That the liquor traffic legally exists for the sake of the people, it ought therefore to be under their full control.

6.—That there are at present far too many licensed houses in existence, and public opinion, if allowed expression, would be in favour of their reduction.

7.—That each representative local authority has already large powers of dealing with matters affecting local interests, and there would be nothing novel nor dangerous in conceding to them the further power of licensing.

8.—That the principle of consulting local opinion in the matter of licensing is already conceded, from the fact that the publican, before applying for a licence, has to give public notice in the locality.

9.—That, in many parts of England, individual land-owners have exercised their authority, derived from the ownership of the soil, altogether to prohibit, or to limit the number of public-houses on the estate. That which an individual can do for the satisfaction of his own whim, should be in the power of each locality to carry out for the benefit of the general community.

10.—That this popular control should be exercised by the ordinary representative local authority—the Town

Council in boroughs, the County council in Counties—and not by a special body elected *ad hoc*.

(b) That the question of licensing would be thus more moderately judicially and sensibly considered, the election would be more orderly and less bitter, than if directed to one special object only.

11.—That the question of compensation is one for future discussion, and does not affect the principle of the justice of local control over the liquor traffic.

On the other hand, the principle of “Local Option” is opposed on the grounds:—*

1.—(a) That, on the whole, the existing system works well; the licensing laws have been admirably administered by able and impartial tribunals, sufficiently subject to popular opinion and to popular criticism.

2.—That to hand over these powers to a local authority, would lead to the arbitrary extinction of very many public-houses, to the vexation of the legitimate consumer, and to the infringement of public liberty.

3.—(a) That to hand the licensing powers over to popularly-elected bodies, would be to import into the municipal elections a most undesirable element of contention.

(b) That the elections, instead of turning on the merits or demerits of the different candidates in regard to their administrative capabilities, would turn entirely on the liquor question.

4.—That the transference of the licensing powers to the local authority would give them an interest in a trade which is injurious and demoralizing.

5.—That the question of compensation is vital, and, until

* See also the arguments against the Permissive Bill.

this is settled on a just basis, it would be grossly unfair to hand over the liquor interest to the uncontrolled authority of the ratepayers.

“COMPENSATION.”

If the principle of Local Option be conceded, the further question arises whether the publican is entitled to claim compensation from the representative local authority, in case the renewal of his licence is refused, not for any misconduct on his part, but from the desire to reduce the number of public-houses.

It is alleged that, under these circumstances, the publican would be legally entitled to compensation; and that, before the control of the trade is handed over to the local authority, arrangements must be made whereby the amount of compensation to be paid in each individual case shall be left to be decided by some Tribunal other than the Authority interested.

Those who take this view argue:—

1.—That the licence, though nominally only issued for one year, practically, by long prescription, attaches to the house, and is granted to the individual during good behaviour.

2.—(a) That, even if there be no actual legal estate, the publican has invested his capital, and ordered his whole life, on the strength of a licence in a trade which is under legislative supervision,* and therefore sanction.

* Not only is there police and excise supervision, but the Justices can insist on certain structural alterations in the building before granting a licence.

(b) That, apart from the bricks and mortar, the whole value of the business depends on the licence, which gives to the trade its marketable value, clearly proving that in public opinion the licensed victualler has a right to expect the renewal of his licence.

3.—That the publican has, therefore, a vested interest in his licence; which cannot be arbitrarily cancelled without the payment of adequate compensation—to do so would be sheer robbery.

4.—(a) That, at the worst, there is a very real and equitable claim to compensation; and no question of compensation can be justly left to depend on the chance majority of a particular district at a particular time, or on the popularity of a particular man. Injustice would certainly be done, while the insecurity caused in the trade would be ruinous.

(b) That if the question of compensation were left in the hands of the local authority, the local elections would turn on that question: and would give rise to continual local agitation and excitement.

5.—That Parliament—witness the freeing of the slaves, the abolition of Army Purchase, &c.—has always fairly and liberally compensated interests which, for the general benefit, it has dispossessed.

6.—(a) That the estimates given of the probable cost of compensation are absurd. None expect, and few desire, the total extinction of the trade; the extreme temperance party is in a small minority almost everywhere, and will never be able to persuade the majority to such a tyrannical act. Only a very small proportion of the public-houses will be closed; and the total amount of money required for compensation will not be great.

(b) That as no future vested interests can arise, compensation cannot be claimed except on the extinction of existing interests.

7.—(By some.) That it would be possible, by a moderate increase of taxation on the remaining publicans, to create a fund whereby, without any burden on the rates, proper compensation could be provided, from the trade itself, for those publicans whose houses were suppressed.

8.—That limitation of hours, and Sunday closing, when enforced, are applied to the whole trade ; the proposal now made would apply to certain individual traders only—they would be ruined, to the benefit of the survivors. Moreover, it is unjust that the trade has not been compensated for the restrictions that have been placed upon it.

9.—That the necessity of paying compensation would be a valuable check on the indiscriminate or arbitrary closing of public-houses by the local authority.

10.—That a gradual, rather than a sudden reduction of licences, would in the end best benefit the temperance cause, as being less likely to cause a reaction in public opinion.

On the other hand it is argued :—

1.—That the publican's licence is expressly limited to one year, and has to be annually renewed ; the publican thus possesses no vested interest in his licence beyond that period. To admit any legal claim to compensation would be to convert an annual permit to sell into an estate, would be to give a vested interest in that which had already expired.

2.—That the legislation in regard to the liquor trade has been rendered necessary by its dangerous nature. To say that these limiting statutes legalize the trade, is to misconceive the manifest object and intention of the law.

3.—(a) That the value imparted to a public-house by the licence, over and above its value as so much building and so

much accommodation, is purely fictitious, and arises from the monopoly derived from the limitation of licences.* This monopoly, and therefore the fictitious value, could be destroyed, without compensation, by an unlimited issue of licences ; and, similarly, compensation ought not to be able to be claimed for a further limitation of licences.

(b) That such pecuniary benefit as is derived from the monopoly which the limitation of licences causes, properly belongs to the public, and not to the trade.

4.—That, over and over again, Parliament has reduced the hours of opening, and in Scotland, Ireland, and Wales, has totally closed public-houses on one day out of the seven ; and this, without giving a penny of compensation for the serious loss occasioned to the trade. Limitation can be logically carried up to total prohibition.

5.—(a) That the Court of Queen's Bench has decided that the visiting licensing authority can refuse to re-issue a licence, without assigning any reason, and without being liable to pay compensation.

(b) That the local representative body should certainly not be placed in a worse pecuniary position, or have less absolute power in the matter of the refusal of licences, than the visiting non-representative authority.

6.—(a) That to admit that the publican has a vested interest in his licence, would be to endow and renew a decaying trade, and to place it in a financial position that it never occupied before.

(b) That the publican has invested his money with his eyes open, on the strength of a licence the renewal of which he knew might at any time be refused.

7.—(By some). That it would be unjust to ask the rate-

* A typical case was quoted by Mr. Gladstone (Rochdale, May 27th, 1888), in which a public-house which cost, to build, but £2,030, on obtaining its licence, sold for £16,000.

payers to pay compensation to traders who have already profited so much at the expense of the community.

8.—(a) That it would be a farce to grant popular control over the liquor trade, and then to fetter its exercise by insisting at the same time on the legal right of the trade to extravagant compensation.

(b) That, indeed, local control with compulsory compensation would be really less effective than is the present system.

(c) That one principal object in handing over the administration of the liquor trade to popular control, is to reduce the number of public-houses. But, if the principle of a vested interest be admitted, no district will be able to afford materially to reduce the liquor traffic in its midst.*

9.—(a) That no additional taxation of the remaining publicans could possibly provide the amount of compensation required; if, at all costs, public-houses were closed, the rates will have to bear the charge.

(b) That, in any case, the application of this proposed special taxation to the purposes of compensation would close to the ratepayers a legitimate field of taxation and revenue.

10.—That, doubtless, the respectable publican has an equitable claim to compensation, but he has nothing more. And if the question were left fully in the hands of the local authority, it would deal fairly and equitably with the question of compensation, and each case would be decided on its merits. Public opinion would never sanction the injustice of depriving certain publicans of their licences without any compensation, while leaving the others in the enjoyment of an improved business.

11.—That no sudden or widespread closing of public-

* It is estimated that the total value of the public-houses in England and Wales amounts to from £200,000,000 to £250,000,000; an estimate, stated, however, by the licensed victuallers to be "exaggerated beyond all possibility."

houses would take place. The publicans would have time to adapt themselves to altered circumstances ; and, as it is certain that no additional licences would be granted, their trade would be improved.

[Some suggest the adoption of a middle course, whereby compensation would be given in the case of houses closed within a limited number of years, after which time no compensation could be claimed.]

PERMISSIVE BILL.*

Many persons consider that the principle of "Local Option" does not go far enough in the direction of popular control and veto of the liquor traffic, and would desire to give the ratepayers the power, by a direct vote, of prohibiting altogether the sale of any intoxicating liquor in their district.

The vote of the majority (two-thirds is the number proposed in the Bill), whether it sanctioned or prohibited the sale of intoxicating liquors in the district, would be binding for a definite number of years (three years is the term proposed) ; at the end of that time the policy adopted would, by another vote, be either reversed or confirmed for a further period.

* In 1879 the Permissive Bill was withdrawn in favour of "Local Option." As, however, the Permissive Bill expressed the desires of the extreme Temperance Party, it seems best, in discussing this phase of the liquor question, to state the arguments which were advanced for and against that Bill. For this see also *Local Option*, by W. S. Caine, M.P., Wm. Hoyle, and Rev. Dawson Burns (Imperial Parliament Series).

The principle of the “Permissive Prohibitory Liquor Bill” is upheld on the grounds:—*

1.—(a) That “whereas the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity and premature death, whereby, not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty’s subjects at large, and the public rates and taxes are greatly augmented,”† the prohibition of its sale would be an unmixed good to the pockets, bodies, and souls of the people.

(b) That ninety per cent. of all crimes are the result of drink.

2.—That as the common sale does unmixed harm, no consideration of public revenue, nor regard for vested interests, can justly be urged in opposition to its suppression.

3.—That the public income would not suffer from the extinction of the liquor trade ; the people, relieved from its thraldom, and from the waste and loss which it caused, would be better able to contribute to the revenue.

4.—(a) That it is impossible satisfactorily to regulate the sale of alcoholic beverages ; and unless extinguished, its evils will continue unabated. State interference (though it may have slightly improved public order) has so far been powerless to diminish intemperance.

(b) That every fresh attempt on the part of the State to regulate the trade gives it legal protection and sanction ; raises up further vested interests ; and depraves the popular standard of morals.

5.—(a) That as drinking and drunkenness greatly injure the inhabitants of a district (in rates as well as otherwise),

* See also the arguments already used in the previous sections.

† Preamble to Permissive Prohibitory Liquor Bill.

it is right and expedient to permit them to interfere in their own protection, by conferring upon the ratepayers of cities, boroughs, parishes, and townships the power to prohibit the common sale of intoxicating liquors.

(b) That at present they have no voice nor influence in the licensing decisions; the whole power belongs to non-representative persons, and the liquor traffic is forced upon a district against its will.

6.—(a) That direct popular veto will alone be of value. Simply to confer on the ratepayers the right of voting in the election of a body which, among manifold duties, would possess that of controlling the liquor trade, would be either useless or pernicious. Either the liquor question would be sacrificed to other matters, or, as is more probable, men would be elected entirely on account of their opinions on the liquor question, and with no regard to their administrative ability.

(b) That the representative bodies, especially in counties, will control extensive areas, often including many distinct localities; unless each district possessed the power of popular veto, the liquor trade would, in many cases, still be forced on unwilling populations. It is imperative that each separate district, however small, should be able to enforce its wishes in this important matter, and should be defended against the arbitrary domination of even representative licensing bodies.

(c) That though the people themselves could administer the licensing laws only through their representatives, they could express a distinct opinion on the question of "licence" or "no licence."

7.—That the principle of a *plébiscite*—a direct expression of local opinion on a particular point—is already admitted in the case of free libraries, &c. The special vote would be no reflection on the representative body.

8.—(a) That suppression is quite compatible with legitimate free trade and rational freedom.

(b) That in the case of a harmful trade like that of intoxicating liquors, the wishes of the many should be allowed to outweigh those of the few.

9.—(a) That this is one of the points on which the relation of the State to its people should be that of a father to his children, not merely guarding their rights, but also keeping temptation out of their way.

(b) That the State should have a sense of moral right, altogether apart from the duty of guarding its subjects from being wronged: it is therefore neither right nor politic of the State to give legal protection and sanction to a demoralising trade.

10.—That the drunkard himself will welcome, and may fairly claim, aid in his efforts to avoid temptation.

11.—That licences being granted for the public good, and not for that of the holder, and annually expiring, then would the public have a perfect right to dispense altogether with the licences, without any payment of compensation.

12.—(a) That in the United States and in most of our Colonies, the question of prohibition is practically in the hands of the ratepayers.

(b) That in other countries—notably in the State of Maine, U.S.A.—the absolute prohibition of the sale or possession of intoxicating liquors has worked beneficially.

(c) That where total prohibition has been tried on certain estates in England, it has been followed by eminently satisfactory results.

The principle of the Permissive Bill is opposed on the grounds *—

* The arguments urged against the principle of the Permissive Bill emanate, on the one hand, from those who object altogether to the idea

1.—(a) That it is in no case the province of the State to withhold men from follies, but only to guard their rights and protect their persons. That as long as the State takes care to punish A., if by his excesses he injures B., it is doing its full duty, and should leave A. alone to ruin himself if he chooses.

(b) That the State would not be merely omitting to guard, but would be itself trespassing on, the legitimate freedom of the people, in taking a harmless indulgence from Z. because A. finds it hurtful.

2.—(a) That it would be neither just nor expedient that the purchase, and moderate use, of liquor by the majority should be prevented, because there are some who abuse it to their own hurt, or to that of others.

(b) That the adoption of the Bill would be a gross infringement of the liberty of all for the sake of a few ; "it is better for the people to be free than sober."

3.—(a) That it saps the force and self-reliance of the people for their rulers to do for them that which, by rights, they ought to do for themselves.

(b) That such attempts of the State to outstep its true field of work always miss their mark, and do unlooked-for mischief.

(c) That though liberty which leads to abuse may fairly be restrained, the abrogation of all liberty in the matter of drink would be followed by a sweeping reaction—and more harm would in the end be done.

4.—(a) That as the Bill would prohibit the sale only, and not the manufacture, importation, or possession of intoxicants

that the ratepayers should have a controlling voice in the question of licensing, and, on the other, from those who favour the principle of Local Option, as already defined. It is not easy to classify separately these arguments ; some, indeed, are used by both classes of opponents ; but the reader will easily appreciate for himself the quarter from whence any particular argument has come.

cating liquors, it is unsound in principle, and likely to prove mischievous or inoperative in practice. It is not consistent for the State to prohibit the sale of an article, while it does not prohibit its manufacture, importation, or possession ; either the article is so dangerous to the people that all dealings in it should be prohibited, or it is not sufficiently dangerous for the sale to be forbidden.

(b) That the Bill, while professing only to be directed against the common sale of liquor, would indirectly affect the common use of all alcoholic beverages, and so would affect the manufacture, importation, and possession of them ; and the Legislature, while avowedly injuring one trade only, would injuriously affect others also.

5.—(a) That it would be illogical for the State to allow a trade to be tolerated in one district and to be prohibited in another ; the trade is equally harmful or harmless in both. If it be pernicious, the State should prohibit it altogether ; prohibition or toleration should not be left to the chance vote of the ratepayers.

(b) That there is no medium possible under the Bill, it would be either prohibition or excess.

6.—That it would be an improper delegation of the functions of Parliament to give to local bodies the absolute power of toleration or prohibition in this matter.

7.—That if the principle is conceded, that the ratepayers in a given district have the right to forbid a trade or calling of which they disapprove (though the trade may be perfectly lawful elsewhere), logically they could claim a right to forbid unpopular places of religious or political resort to be opened — and this could never be conceded. If liberty is sacrificed in the matter of alcohol, it will eventually be sacrificed in more important matters, to the detriment of civil and religious liberty.

8.—That the districts in which restrictions are most needed, would be those least likely to adopt them.

9.—(a) That where one district in which the sale of alcoholic drink had been prohibited, adjoined another where the sale was tolerated, the Act would prove inoperative ; there would be no difficulty in obtaining liquor.

(b) That where such escape from the letter of the Act was difficult or impossible, prohibition would lead to the illicit and secret sale and consumption of liquor ; abroad, where prohibition has been attempted, the prohibitive laws are largely evaded.

(c) That clubs would take the place of public-houses, and clubs are much more difficult to deal with or control.

10.—(a) That if the principle of local option be adopted, the inhabitants will, through their representative body, possess as full and complete a control of the liquor trade as they can fairly desire.

(b) That it will always be in the power of the temperance party to convert the electors to the belief that the trade should be suppressed.

11.—(a) That under the system of a *plébiscite ad hoc*, the popular will would only be able to act by a mass vote ; a system entirely subversive of, and contrary to, the principles of representative Government on which the Constitution is based, under which the electors choose out certain trusted persons to look after and protect their interests.

(b) That to give this especial power to a specially elected body would be still further to increase the number of the local bodies ; already too much subdivided.

12.—That ceaseless agitation and strife would result from the (absolutely indispensable) provision that the adoption of the law should be from time to time subject to revision by the votes of the ratepayers.

13.—That the institution of a *plébiscite* would neces-

sarily combine together, in resistance to prohibition, the moderate drinkers and the drunkards, to the moral deterioration of the former.

14.—That, tenure being less secure, and liable to constant fluctuations, through a change in public opinion, the trade would be unsettled, and would be given a more speculative character, and thus respectable men would be deterred from entering the trade.

15.—(a) That all vested interests which have been allowed to grow up in a trade must be protected, and if injured by the action of the State, must receive proper compensation.

(b) And that the amount of capital which has been embarked in the liquor trade is so enormous, that it would be imprudent and impracticable for the State to reimburse it.

16.—That after public-houses had been suppressed, and compensation paid, a change in the wishes of the ratepayers might re-open fresh houses, and raise up fresh vested interests, again to be compensated if suppressed.

17.—That drunkenness is gradually confining itself to the lowest classes, and will ultimately almost completely disappear; there is therefore no need for drastic measures, from which unforeseen evils may arise; it is best to leave the reform to be brought about by public opinion.

18.—That the restrictions proposed would be especially unfair on the working man, inasmuch as the public-house is his only place of social resort; while he is unable, like the wealthier classes, to lay in any store of intoxicating liquor.

19.—That neither the State nor the taxpayer could afford to lose the revenue at present derived from the liquor trade.

GOTHENBURG SYSTEM.

Others believe that the best way of obtaining the ends in view, would be to adopt (in large towns at all events) the plan which is known under the name of the "Gothenburg System"—though the scheme proposed differs somewhat from that which prevails in Sweden.

This scheme would empower Town Councils in boroughs, and County Councils in Counties to acquire by agreement, or failing agreement by compulsion, the freehold of all licensed premises within their respective districts, and to purchase the leases, goodwill, stock, and fixtures of the present holders. It would further empower them, if they thought fit, to carry on the liquor trade for the convenience and on behalf of the inhabitants, but so that no individual should have any pecuniary interest in, or derive any profit from, the sale of intoxicating liquors. It would also empower the Town or County Councils to borrow money for these purposes on the security of the rates, and to carry all profits to the alleviation of the rates. The power of the justices to grant licences would cease on the adoption of the scheme.*

This proposal is supported on the grounds:—

1.—That as full compensation would be given for all interests affected, there would be no "confiscation."

* See also, for both sides, many of the arguments already given.

2.—That as the local authority would possess absolute control over the issue of licences and the district liquor traffic, each locality could please itself as to the number of its public-houses.

3.—That while the number of public-houses would be greatly diminished, the remainder would improve in respectability, convenience, and management; as the manager would have no direct interest in the sale of the intoxicating liquors, and as refreshments, and non-intoxicating, or less intoxicating liquors, would be sold, the public-houses would gradually assume the character of eating-houses, and of working men's clubs.

4.—That there would therefore be a diminution of intemperance, and a consequent decrease in crime and disorder.

5.—That as no one would benefit from the supply of bad liquor, adulteration would cease.

6.—(a) That the undue influence of the publican at parliamentary and municipal elections would be eliminated.

(b) That if the public-houses were under the control of the municipality, they could, and probably would, be closed on the day of elections—to the promotion of order, quiet, and purity of election.

7.—(a) That the surplus profits would be applied to the relief of the rates; and instead of a few individuals, all the inhabitants of the borough would benefit from the sale of liquor.

8.—That the Local Authority would be sufficiently subject to public control and criticism to prevent any undue multiplication of the number of public-houses, and to ensure economy and efficiency.

9.—That many local authorities are already traders in gas, water, &c., and to transfer to them also the management of the liquor trade would impose on them no novel obligations.

10.—That if a district were willing to take the trouble, and run the risk, of introducing the scheme (since no vested interests would be unfairly dealt with), the State should allow the experiment. If it succeeded, a good example would be given ; if it failed, the loss would be local.

11.—That a scheme drawn on somewhat similar lines has greatly diminished drunkenness in Sweden.

12.—That without some more decided action on the part of the State, or of local bodies, intemperance cannot be effectually checked.

The scheme is objected to on the grounds :—

1.—(By the extreme temperance advocates.) That the trade in liquor is universally pernicious, and no half measures can possibly be effectual—it must be totally suppressed.

2.—That, as the liquor trade is demoralising to those who conduct it, it would be highly objectionable to hand the management over to the local authority, and to cast the responsibility of the traffic on the ratepayers as a body.

3.—(a) (By some.) That the temptation of profit and consequent relief to the rates, would induce the local authority unduly to increase the number of public-houses.

(b) (By others.) That the local authority might largely increase or entirely suppress the trade in a particular district, against the wishes of a large number of citizens.

4.—(a) That the enormous preliminary outlay attendant on the acquisition of the property, if anything like a fair price be given, would never permit of any profits being made from a trade conducted by a public body.

(b) That as one object is to diminish drinking, and the temptation to drinking, the profits of necessity will be greatly reduced.

(c) That, thus, instead of lightening, the inevitable trade loss would heavily burden the rates.

5.—That a Town or County Council is a body eminently unfit to conduct so vast a business with economy and care.

6.—That such an attempt would lead to a great deal of jobbery and waste, and undesirable influence at elections.

SUNDAY CLOSING.*

It is proposed to close all public-houses on Sunday in England at the option of the local authority.† The law in England limits their opening to certain specified hours,‡ while in Scotland, Ireland, and Wales it closes them altogether on Sundays.

The proposal is upheld on the grounds:—

1.—(a) That there is much more drinking, with all its attendant evils, on Sunday than on any other day; and, with the added result, that men often cannot or will not work on the Monday.

(b) That the bulk of the wages are paid on Saturday, and practically the only shop open the next day is the public-house; thus a great and special temptation is placed in the way of the working classes.

* Cf. section on "Local Option."

† This proposal was contained in the original Local Government Bill of 1888, but the clause was withdrawn, along with the other licensing clauses.

‡ In the Metropolis the hours of opening are fixed from 1 o'clock to 3, and from 6 o'clock to 11 p.m. Elsewhere they are from 12.30 to 2.30 and from 6 to 10 p.m.

2.—That it is inconsistent and unjust that while innocent trades are prohibited on Sunday, this most pernicious trade is allowed to be carried on.

3.—That as the State interferes with and limits the hours of Sunday opening, it might with perfect consistency altogether prohibit opening on Sundays.

4.—That those employed in the sale of drink are entitled to be relieved from Sunday labour, the rather that they work a larger number of hours during the week than the law permits in the case of many other trades.

5.—That there is no analogy between clubs and public-houses; the latter are distinctly places of drinking resort, which the former are not; nor are clubs more frequented on Sunday than on any other day.

6.—That the publicans themselves would welcome a compulsory closing Act; without it, competition compels them to keep open.

7.—That the question of Sunday closing is particularly a matter in which the locality should have a voice through its duly elected representatives; and local option would prevent any hardship being done to any particular locality.

8.—That the Sunday Closing Acts in Scotland and Ireland* have worked very well, and have greatly diminished drunkenness on that day.

9.—(By the extreme temperance body.) That the closing on Sunday would not only be a good thing in itself, but would also tend towards further limitations of sale.

On the other hand Sunday closing is opposed, on the grounds:—

* See Report of Select Committee on the Irish Sunday Closing Acts. 1888. The Irish Sunday Closing Act was passed in 1878, and applies to the whole of Ireland, with the exception of five large towns.

1.—That the hours of opening on Sunday have already been greatly curtailed ; and to close the public-houses altogether would be a gross infringement of the liberty of the subject.

2.—That total closing would lead to illicit sale of liquor, and has done so wherever it has been tried.

3.—That it would lead to increased purchases of liquor on the Saturday for consumption at home on the Sunday ; and to excessive drinking on the Monday.

4.—That while the closing of public-houses on Sunday would cause no inconvenience to the richer classes, who have their clubs and their cellars, it would be a great hardship on the working classes to deprive them of their only place of resort and refreshment.

5.—That entirely to close the public-houses would cause extreme inconvenience to travellers.

6.—That it would be an infringement on the rights of the liquor trade, and could not justly be permitted without proper compensation.

7.—That we already have too much paternal legislation.

8.—That the proposal is an embodiment of teetotal tyranny and Sabbatarian severity, and should therefore be rather resisted than conceded.

9.—That as the Scotch and Irish chiefly drink whiskey, which can be kept without deterioration, they do not suffer much inconvenience by Sunday closing ; while in England, where beer is much drunk, a store cannot be laid in without the fear of its spoiling.

10.—(By some.) That Sunday closing in Scotland, and especially in Ireland, has not diminished drunkenness.

INCIDENCE OF TAXATION.*

THE question of reforming the incidence of taxation has been raised, and, it is contended, that the existing system of taxation should be so altered, as to press less heavily on the poorer classes, and more heavily on the richer classes.

No definite scheme of reform is before the country, but it is generally contended that indirect taxation should be somewhat reduced, and that direct taxation should be somewhat increased; and that the latter should be graduated according to the amount and the character of the income or property, and imposed either on bequest and inheritance, or in the form of a graduated income-tax.

This proposal is supported on the grounds:—

1.—That something ought to be done to reduce the inequalities of wealth, and this can be most conveniently

* In the earliest editions this section stood under the heading of “Direct *v.* Indirect Taxation,” and the question of the retention or non-retention of the Income-Tax was argued out. But since the book first appeared in 1880, the question of the retention of the Income-Tax—brought prominently forward by Mr. Gladstone in 1874—has been practically settled in the affirmative, and the further question is now rapidly coming to the front whether the Income-Tax itself should not be graduated.

accomplished, and without hardship or injury to property, by an alteration in the incidence of taxation.

2.—(a) That property must increase its “insurance,” and its “ransom.”

(b) That each man ought to pay in proportion to the protection and security he enjoys, and which are required by his possessions. At present the poor man, who has little to preserve, pays far more in proportion.

3.—(a) That the burden of taxation ought to be distributed according to the ability of the tax-payer;* the heaviest burden should be placed on the shoulders best able to bear it.

(b) That the present system of taxation is fundamentally unjust. Though it may be “equality of contribution,” it is not “equality of sacrifice”—the true principle of taxation—for a millionaire to pay the same amount in proportion to his income as a working man.

4.—(a) That necessary expenditure ought to be lightly taxed, and only superfluities heavily taxed.

(b) That while the greater part of the income of a rich man is expended in superfluities and enjoyments, the margin remaining to a poor man over and above his necessities is infinitesimal.

(c) That though it may be true, that in the end all taxation comes out of the wage fund, and therefore affects all classes alike, the immediate pressure of the taxation is felt most by those with very limited incomes, to whom every penny is of great importance.

5.—That indirect taxation presses much more heavily on the poor than on the rich; heaviest in proportion on those

* “The subjects of every State ought to contribute towards the support of the government as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the State.”—*Adam Smith.*

who have the smallest means. Custom and excise duties being mostly (and rightly so) specific duties,* the cheaper description of goods, namely, those chiefly consumed by the working classes, pay a far heavier duty in proportion to their value than the dearer.†

6.—That this inequality of taxation can be best reduced by increasing the burden in proportion to the amount of property taxed, and this can be only done by means of direct taxation.

7.—That it cannot be unjust for the rich to pay taxation in equal proportion to the poor. The injustice is in forcing the poor, as at present, to pay more in proportion than the rich. The benefit of the doubt should be given in favour of the poor rather than of the rich.

8.—That land especially has escaped its fair share of taxation, in consequence of the lighter “death duties” to which it is subject compared to those levied on personal property.

9.—(a) That precarious incomes pay as much income-tax as those derived from realised capital, though much of the former has to be treated by the recipient as capital and not as expendable income.

(b) That those who, at present, suffer most from taxation, are the poorer class of income-tax payers, who pay both direct and indirect taxes, and it is just that the richer classes should pay a higher income-tax in order to relieve them.

(c) That the principle of a graduated income-tax is already conceded, inasmuch as the exemptions and re-

* A “specific” or “rated” duty is one that is levied on bulk or according to quantity, and takes no account of the value of the goods ; an “ad valorem” duty is one that varies according to the value.

† The tobacco duty, for instance, imposes a tax of considerably over 1,000 per cent. on the cheapest kinds of tobacco, and one of under 10 per cent. on the best class of cigars.

missions which have, from time to time, been given in the assessment of the income-tax have to a large extent graduated that tax.*

(d) That the death duties are graduated already according to relationship ; while they are also differential in favour of real property, the land.

(e) Moreover, a graduated income-tax has before now been imposed in this country.

10.—That an injustice does not obtain a prescriptive right to continue because it is one of long standing, but ought rather the sooner to be abolished.

11.—That a larger amount of income should in any case be derived from direct than from indirect taxation, inasmuch as the former is less costly to levy, and causes less interference with the process of trade and manufacture, and being more obvious and more irksome, is more likely to stir up public opinion in favour of economy ; while a man can entirely escape all indirect taxation.

12.—(By some.) That though all indirect taxation could not and should not be abolished (much is derived from taxes on intoxicating liquors), its pressure might be considerably relieved by the abolition of the remaining taxes on articles of food.

13.—That a system of graduated taxation, by producing a much larger revenue, would enable works of public utility to be undertaken.

[Many think that if the income-tax were definitely recognized as a permanent part of our financial system,

* Under the present law all incomes under £150 are exempt ; on incomes up to £400 a year, £120 is first deducted before the tax is assessed. The result of these exemptions and abatements is that, with the Income-Tax at 3*d.*, an income of £150 pays nothing, one of £180 pays at the rate of about $\frac{1}{4}d.$ in the £, one of £250 at the rate of 1*d.* in the £, one of £350 at the rate of $1\frac{1}{2}d.$ in the £, one of £400 and above at the rate of 3*d.* in the £. For a detailed history of the Income-Tax see *Finance and Politics*.

its incidence might be made much fairer, and the mode in which it is levied might be improved ; so long as it remains a professedly temporary tax, no attempt at reform will be made.]

On the other hand it is contended :—

1.—(a) That wealth, as such, ought not to be specially taxed. Each member of the commonwealth should bear his fair measure of its expenditure, and indirect taxation being taxation on expenditure is fairer than direct, which often includes the taxation of savings.

[It is generally conceded, however, that both forms of taxation should be levied in due proportions.]

(b) That the incomes of all should be taxed in arithmetical proportions—an income of £4000 should pay ten times as much as one of £400, and this it does at present—but should not be taxed in fancy proportions.

2.—(a) That all taxation, whether direct or indirect, by affecting the wage fund, ultimately falls on the whole community ; on the poorer as well as on the richer classes.

(b) That the income of everyone, rich or poor, is either spent or saved. If spent, it gives employment ; if saved, it increases the wage fund. It cannot be made to do double duty ; and though a greater amount of taxation might be obtained from the rich, to that extent would their powers of employment be diminished. The whole question is one of incidence, not of increased means, and no increased public and local expenditure could be undertaken on the strength of the taxation of the rich, without a corresponding diminution of the ordinary employment of the working classes. Yet a system of graduated taxation is chiefly advocated on the ground that by its means increased national and local expenditure could be undertaken.

3.—(a) That any system of graduated taxation, of taxation

on wealth, instead of merely shifting a burden, would cripple industry, would diminish the incentive to thrift, would drive capital out of the country, and thus, in the end, would impoverish the nation, diminish the revenue, and injure primarily, the working classes.

(b) That capital and labour are not antagonistic ; to over-tax the former is to injure both. Capital is essential to labour, not an enemy to be ransomed or enslaved.

4.—(a) That if there ought not to be taxation without representation, there certainly should not be representation without taxation ; yet, if all taxation were direct, the working classes would escape it altogether.

(b) That, more especially, indirect taxation should not be diminished now that the franchise has been largely extended.

(c) That it is essential to the peace and prosperity of the country that the working classes should bear a considerable portion of the burdens of the Empire.

5.—(a) That as the minority would bear the greater share of taxation, the majority would be inclined still further to graduate taxation, and to enter on extravagant expenditure, of which they would bear no adequate proportion. The principle of graduated taxation once admitted would form a most dangerous precedent.

(b) That already the national expenditure, Imperial and Local, is far too heavy, and any incentive to increased expenditure would be nothing short of a calamity.

6.—That any system of graduated income-tax would tend to set class against class, the poor against the rich.

7.—That all estimates of the taxation of individuals or of classes are fallacious, and worthless for purposes of comparison. It is impossible to say what proportion of taxation is borne by any one class, and what by another ; it is impossible indeed to draw the line between classes themselves.

8.—(a) That any inequality which may exist in the pay-

ment of indirect taxation is fully redressed by means of the income-tax as now levied, the house-tax, and the legacy, probate, and succession duties.

(b) That when the question of the incidence of taxation is considered, the whole burden of taxation, Local as well as Imperial, must be taken into account in deciding what burdens land, capital, and labour—the three factors which have to contribute—do bear, and should bear.

9.—(a) That the exemption given on the income-tax is given in order to cover all those incomes which are derived from manual labour, from wages as distinct from salary or earnings ; the abatements are a relief to the smaller, and guarantee larger incomes.

(b) That the exemptions and remissions already existing in the income-tax are, in no way, in the form of graduation, *i.e.*, increasing the tax the higher the income ; but they are given in order to benefit the poorer classes of income-tax payers who suffer most from taxation ; while the income-tax contains, and always has contained, a principle of total or partial remission in favour of the most numerous class in the community.

10.—That the total taxation on land is already heavy, and to increase it would tend still further to discourage small purchasers, and would diminish and not increase the number of landowners.

11.—That taking taxation as a whole, there is equality of taxation on permanent and on “precarious” incomes.*

* The Commissioners of Inland Revenue, in their Report for 1884-5, point this out, and give as an instance the case of two men :—A. appointed to a place worth £600 a year, and B. succeeding to £20,000 of Consols, which will also produce £600 a year. Both pay Income-Tax, amounting in thirty years to, say, £450, but B. pays in addition £600 Probate Duty not paid by A., so that in thirty years one has paid £1,050, the other only £450, and they have both received the same amount of income. But, against this it may be pointed out, that, if they have throughout spent the same amounts, at the end of the thirty years B. will still be some £19,400 better off than A.

12.—(a) That if the graduation is to be on bequest or inheritance, its incidence will depend entirely on length of life.

(b) That such graduation of taxation would tempt to fraudulent evasion by grants of property during life.

13.—(a) That if the graduation is to be effected by a graduated annual income-tax, the revenue will be difficult or impossible to collect, and lead to much fraud. At present the collection of the income-tax assessed under some of the schedules—incomes derived from Government and other securities, official salaries, &c.—is automatic, being a uniform tax, while it is comparatively easy of collection under the other schedules. If, however, a system of graduation were introduced, everyone would have annually to declare the whole amount of his income.

(b) That, at present, the income-tax leads to much fraud and evasion—the honest pay, while the dishonest partially escape. If the income-tax were graduated, the temptation to fraud and evasion would be very largely increased.

14.—That the income-tax is unfair, inasmuch as it taxes in the same proportion incomes derived from earnings and those derived from invested capital ; and that from its very nature it is impossible to place it on an equitable basis. To graduate it would be still further to accentuate its unfairness.

15.—(a) That it is inexpedient to levy further income from direct as against indirect taxation, inasmuch as direct taxation, does not touch the poorer classes, and does not bring home to them, as does indirect, the personal interest which they have in national economy, and the evils of war and of national extravagance.

(b) That the power of increasing the income-tax on a sudden emergency would be largely discounted if it were already a graduated tax levied at a high rate.

16.—(a) That indirect taxation produces the largest return with the least friction.

(b) That largely to reduce indirect taxation would involve a disproportionately increased cost of collection.

(c) That it would necessitate the reduction or remission of taxation on intoxicating liquors (from which most of the indirect taxation is derived), and thus, their increased consumption would be encouraged.

17.—That the attempts formerly made (in 1377, 1641, 1698, and partially in 1798) to impose a form of graduated income or poll tax were eminently unsuccessful in their results.

18.—That the existing system of taxation—which is of slow and steady growth, and which has been constructed, elaborated, and adjusted with the greatest possible care—has worked successfully, and without friction or discontent.

19.—That the wealthier classes have on the whole used their wealth in a judicious and public-spirited manner.

[Many who are opposed to any system of graduated taxation are in favour of an inquiry into the whole question of the incidence of taxation.]

RECIPROCITY OR ‘FAIR TRADE.’*

THOUGH the question of “Reciprocity” is but a “pious opinion,” it may be worth while to give the arguments advanced for and against the proposal to impose reciprocal duties on foreign manufactured goods. The question of the re-imposition of a duty on corn, is not sufficiently within the range of practical politics to entitle it to discussion here.

A system of Reciprocity is supported on the grounds :—

1.—That Reciprocity is in no way “Protection.” The evils of Protection and the advantages of Free Trade are acknowledged ; but a weapon of retaliation is necessary in order to bring protectionist nations to their senses, and to force them to accept Free Trade.

2.—That free trade was intended to create a free interchange of goods all the world over, and this would have been beneficial ; such a result has not, however, ensued, and therefore true “free trade” does not exist, but only onesided Free Trade. That is, we have opened our

* The question of Reciprocity or “Fair Trade” is argued out in much greater detail (with figures, &c.) in the second edition of the *Political Manual*. In one of the Cobden Club Leaflets (published 1885), I have endeavoured to show by figures the *impossibility* of adopting the fiscal policy of “Fair Trade.”

markets free to the world, and every one is at liberty to sell us what they like ; whilst other countries have not in return opened their markets to us, and by their import duties have hindered us from selling our goods to them.

3.—(a) That while universal free trade would benefit the world, partial free trade injures the country which adopts it.

(b) That, in consequence of their import duties, our trade to most of the chief protective countries has of late years shown a continual decline ; while their exports to us continue to increase. Moreover, fostered by Protection, their export trade has of late, as a whole, increased in a greater proportion than ours.

(c) That our different industries are gradually and surely being destroyed ; when once destroyed they can never be revived, other nations will obtain the lost trade, and England will be ruined.

(d) That, more especially, under our system of free imports, manufactured goods, which could be satisfactorily produced in England, are allowed to flood the home market, thus depriving the English working-men of work and wages, without benefit to the country at large.

4.—That reciprocity is the keystone to free trade, and without it the latter cannot exist.

5.—(a) That under a system of reciprocity only those industries would be protected which were indigenous to the soil, and which have shown that with fair treatment they can hold their own.

(b) That as our manufacturers are hampered by Factory Acts, by heavy rates, &c., they cannot, without the help of partial protection, successfully compete with those of other nations ; and as these restrictive laws have been imposed upon them by the legislature, they may fairly ask for compensating protective assistance.

6.—(a) That the universal adoption of free trade would

be more probable if we retained in our hands the power, by retaliation, of forcing other nations to adopt it ; while, if they refused to come to terms, we should be able to continue to tax their goods so long as they taxed ours.

(3) That the imposition of reciprocal duties, would give us a leverage whereby we should be enabled to negotiate fair commercial treaties with other countries, be saved from their hostile interference or caprice ; be less dependent on them for our supplies of goods and food ; and, in the long run, we should be buying in the cheapest market and selling in the dearest.

7.—(a) That the welfare of the consumer is bound up with that of the producer ; the purchasing power of the former depends entirely on the continuance of profitable industries at home. The disappearance of the producer would reduce the consumer to beggary. Most men are actual producers as well as consumers, while those alone who are consumers and not producers would suffer without compensating gain from reciprocal duties ; and such persons are of little value to the country.

(b) That if commercial and manufacturing interests were protected, the whole nation would benefit.

8.—That though Reciprocity would cost the consumer something, the chief weight of the import duties would fall on the foreign importer ; moreover taxes would be reduced by the amount of revenue derived from the duties. While, even if the consumer had to bear the whole cost, he would be better off in the end, than if the manufactures and trades of the country were allowed to be ruined.

9.—(a) That though trade and property returns—which can be made to prove anything—may be quoted to show that certain persons are accumulating wealth, it is certain that the wealth—if it exists—has not descended to the working and operative classes.

(b) That while in protectionist countries wealth is daily becoming more generally distributed between the different classes, the converse is the case in free-trade England.

10.—That as under a system of reciprocity, the working men would obtain more regular employment and higher wages, they would be better off, even though the prices of certain articles of consumption were somewhat increased.

11.—(a) That the rapid increase of late years in the wealth of Great Britain has not been due to the adoption of free trade, but to the invention of telegraphs, improvement in machinery, extension of railways, &c.*

(b) That France and the United States have acquired their wealth in consequence of their system of Protection.

12.—That as our imports largely exceed our exports, we must be consuming our capital, and are in danger of national bankruptcy.

13.—That as we at present raise large revenues from import duties on certain articles, we are not really carrying out a system of free trade; and there would be nothing illogical in increasing and extending these duties.

14.—(a) That our policy of free trade alienates to a certain extent the affections of our Colonies; to prevent themselves from being undersold in their own markets, they are obliged to impose heavy protective duties.

(b) That free trade with our Colonies and dependencies, and reciprocal duties with other countries, would be the best system of trade, for it would increase the wealth of the Colonies, and more firmly unite them with Great Britain; whilst such a federation would give a powerful

* For a discussion of this question, see Chap. VII. of *Finance and Politics*, Vol. I.

leverage in negotiating commercial treaties with other nations.

15.—That Great Britain alone has adopted free trade; and it is presumptuous to assume that we are necessarily in the right and all other nations necessarily in the wrong.

On the other hand, any imposition of reciprocal duties is resisted on the grounds:—

1.—That Reciprocity is simply Protection “in a fancy dress”; any imposition of import duties must act as a protection to some industry.

2.—(a) That the fewer the obstacles in the way of trade the better will it flourish; capital, if let alone, will find out the most profitable investment; while State interference would force it into some unnatural channel.

(b) That free trade enables us to “purchase in the cheapest and sell in the dearest market”; and any restrictions must alter this for the worse.

3.—That though undoubtedly the protective system adopted by other nations injures our trade, even partial free trade is better for us than none at all. We import foreign goods free for our own benefit, not for that of other nations.

4.—That though the extension of railways, &c., gave a stimulus to trade, its wonderful expansion has been caused by the abolition of protective duties. During the twenty years before the adoption of free trade our exports and imports were almost stationary.*

5.—(a) That the late depression of trade has not been confined to Great Britain, but has been more severe in countries under Protection.

(b) That if it had not been for free trade, and the

* See note, p. 257.

consequent low prices, distress would have been much more prevalent in Great Britain.

(c) (By some.) That the depression in our trade is by no means so great as is generally supposed. In consequence of the fall in prices, such large profits are not indeed made, but wealth is more generally diffused.

6.—That the excess of the value of our imports over our exports indexes the amount of our foreign investments and wealth, and the profits on our trading and shipping, &c. ; it does not in any way show that our expenditure exceeds our income.

7.—(By some.) That the present system of partial free trade, is, on the whole, beneficial to England, especially in regard to the United States of America. If America were not handicapped by her protective system she would constitute a most formidable commercial rival to England.

8.—That while Reciprocity is founded on the theory that the injury of one nation is to the benefit of another, the exact reverse is the truth ; the wealthier a country becomes, the greater is its producing power and the more it will be able to purchase of other countries. The wealthier all nations become, the greater will be the trade which each will be able to do with all ; and England, being by far the greatest trading country, will benefit the most.

9.—That England, unlike other nations, depends to a very large extent on her foreign trade. The imposition of protective, or reciprocal, duties would reduce our imports—*i.e.*, our purchases—and by the amount of that reduction would the power of other nations to take our exports—*i.e.*, our sales—be diminished.

10.—(a) That it would be impossible to protect one branch of manufacture or commerce without protecting all, and thus prices would be raised all round.

(b) And consequently goods could only be produced at a greater cost, and we should be in a worse position to compete with other nations either in their own or in the neutral market, and thus again we should cripple our enormous foreign trade. Protective duties are injurious to the trade of the nation which imposes them.

(c) That the cost of production, and consequently the price of our goods, being increased, foreign nations would be the less able to purchase them—an increase in price checks demand.

11.—That though, for the moment, protective duties would benefit the manufacturer or farmer, the inevitable rise in the price of all commodities would soon make them worse off than before; while the landowner would absorb any benefit the farmer might hope to derive.

12.—That the result of the adoption of a policy of reciprocity, would be the artificial protection of special industries, without any reference to the advisability of encouraging them. The State might thus help to bolster up a feeble trade, which would not naturally flourish, and the capital invested in which could be better employed in some other way.

13.—That even if working men obtained more employment (which is denied) and higher wages, in consequence of Protection, they would be none the better off—the price of commodities would rise in a still greater ratio, and the purchasing power of money would be diminished.

14.—(a) That free trade, by allowing each country to produce that which it can most easily grow or manufacture, promotes division of labour and economy, in their best and most extended sense; while, by leaving them unfettered, it enables capital and labour to find out the most profitable fields for investment.

(b) That, therefore, while free trade gives us economy,

cheapness, multiplicity of markets, energy, self-reliance, and wealth ; Protection, in the guise of Reciprocity, would have the reverse effects.

15.—That reciprocal duties, once imposed, could never be repealed—the trades enervated by protection, would be less able than before to stand against free competition.

16.—(a) That the law would be wronging the consumer if, for the sake of some possible profit to some possible producers, it prevented him from buying in the cheapest market.

(b) That the consumer has a right to buy where and how he likes, and the producer a right to sell where and how he can. Moreover, the producer exists for the sake of the consumer, not the consumer for the producer.

17.—(a) That a policy of retaliation would be *impossible*.* Our imports (total 1884, £390,000,000) consist of articles of food (£133,800,000), raw materials (£119,200,000), articles of consumption already highly taxed—wine, spirits, beer, tea, tobacco, &c.—(£28,500,000), semi-manufactured articles (£41,000,000), wholly manufactured articles (£53,300,000), miscellaneous (£14,300,000). Practically it is not proposed by Fair Traders to levy a duty on articles of food ; the imposition of import duties on raw materials or semi-manufactured articles, would, it is universally acknowledged, greatly injure our own manufactures, by raising the cost of production ; the “articles of consumption” are already highly taxed for revenue purposes, while to tax the “miscellaneous” would be costly and troublesome. Thus there remain, for purposes of retaliatory duties, only the imported manufactures, which amount to about £50,000,000, and which, for the most part, consist of numberless articles of fancy wear, &c., which would not repay taxation.

* This argument is discussed at length in the Cobden Club Leaflet already mentioned.

Of our exports (total, 1884, £296,000,000, of which £180,000,000 are manufactured goods), £240,000,000 are open to the attack of foreign countries by the imposition of additional, or retaliatory duties.

Thus our powers of attack, as compared to foreign powers of retaliation, are, at the best, but in the proportion of one to five, making it practically impossible for us successfully to retaliate on foreign countries.

(b) That, with the single exception of France, we export to every protectionist country a greater amount of manufactured goods than we import.

(c) That the heavy duties of protective countries are imposed chiefly with a view of keeping out British goods; and our attempted retaliation would not induce these countries to accept our goods, but would rather irritate them into the imposition of increased duties. And our powers of attack are, as stated above, far less than their powers of retaliation.

18.—That hostile tariffs are best fought by free imports.

19.—That, even if it were advantageous to retaliate on certain countries, and to impose reciprocal duties, we are practically precluded from adopting such a policy from the fact that our hands are, to a large extent, tied in consequence of our numerous Commercial Treaties, many of which have yet many years to run, and all of which contain a “most favoured nation clause.”*

20.—That it is either intended to impose reciprocal duties temporarily for a set purpose, or it is not. If not, the proposal involves pure protection, if the former, the im-

* That is to say, that any fiscal privilege or advantage, any reduction or remission of duty granted by one contracting nation to any other, must be equally and simultaneously extended to all contracting nations; and *that no restriction or additional duty* can be applied to the country to which the “most favoured nation” treatment has been granted unless it be *applied universally*.

position and the subsequent repeal of the reciprocal duties would involve a double disturbance to trade.

21.—That the adoption of reciprocal duties would be an acknowledgment that we no longer believed in free trade.

22.—That it is perfectly compatible with real free trade, to impose import duties for revenue purposes only; and this is all that is done—(i) by levying import duties on certain articles not produced at home, and therefore not competing with home produce or manufactures; (ii) by levying a custom duty equal to the excise duty imposed on articles of domestic production.

23.—(a) That it is impossible to make out exactly what fiscal policy the fair traders desire to see adopted, or to understand how they would reduce it to practice.

(b) That “on the points on which they are precise they are not agreed, and on the points on which they are agreed they are not precise.”

CAPITAL PUNISHMENT.

THE abolition of Capital Punishment is advocated on the grounds :—

- 1.—That human life is too sacred to be destroyed.
- 2.—That capital punishment has not put an end to murder ; while executions familiarise the public with slaughter, and thus rather promote than restrain murder.
- 3.—That the administration of justice being in the nature of things fallible, death, if inflicted at all, will sometimes be inflicted on the innocent.
- 4.—That the existence of the punishment of death for murder increases the difficulty of inducing juries to convict for that crime ; while it leads to groundless pleas of insanity being raised and readily accepted, and consequently to the escape of some criminals from justice.
- 5.—That, to the would-be criminal, the prospect of penal servitude for life would be just as effective a deterrent as hanging.

On the other hand, the total abolition of Capital Punishment is opposed on the grounds :—

- 1.—That the State is justified in taking the most effectual means to prevent murder.
- 2.—(a) That punishment is not solely intended for the

prevention of crime, but is also a vindication of justice by society ; and death is the just penalty of murder.

(b) "Que Messieurs les assassins commencent ! "

3.—That a murderer has, by his deed, forfeited all his right to mercy from the State.

4.—That as a murderer cannot with safety be allowed to work out his punishment and go free, there is no chance of his social reformation, and the State is justified in ridding itself of a pest.

5.—(a) That if all fear of capital punishment were taken away, many minor offences, such as housebreaking, burglary, aggravated assaults, &c., would be more likely to lead to murders.

(b) That it prevents many murders which would otherwise be premeditated.

6.—That capital punishment must be retained as a last resource, otherwise there is nothing to deter a felon, sentenced to penal servitude for life, from attempting over and over again the murder of his gaoler.

7.—That capital punishment is now rarely inflicted, and only in aggravated cases of murder.

8.—That where there is any moral or legal doubt of the actual guilt of the criminal, capital punishment is now never inflicted ; it is, therefore, almost certain, that no innocent persons suffer death at the hands of the law.

9.—That executions being now conducted in private, the public are not familiarised with a degrading spectacle.

MARRIAGE WITH DECEASED WIFE'S SISTER.

IT is proposed to legalise marriage with a Deceased Wife's Sister, on the grounds:—

- 1.—That these marriages are no breach of the law of God, whether written or unwritten.
- 2.—That they are no trespass on the rights of others.
- 3.—That therefore men should be allowed freedom in this respect.
- 4.—That it is an infraction of the principle of religious liberty to make the laws of the Church of England binding on those who do not belong to that Church.
- 5.—That kinship by marriage being in no way the same as kinship by blood, this concession would not lead to a demand for further relaxation in the prohibited degrees of affinity.
- 6.—That as the law, in the matter of succession duties, treats the sister-in-law as a stranger, it is illogical that, in the matter of marriage, it should treat her as a close relation.
- 7.—(a) That even now it is very difficult without impropriety for the sister-in-law to live alone with the widowed brother-in-law; the sister, not the sister-in-law, is the natural guardian of the children.
- (b) But that the sister of the deceased wife is the most natural, and will be the most loving stepmother to the children.

8.—(a) That as only fifty years ago these marriages were recognised as valid for all practical purposes, and the children were considered as legitimate, public opinion has never been strongly against such marriages.

(b) And that consequently the law is often broken, and innocent children suffer from the brand of illegitimacy.

9.—That where the law is not broken, its restriction often leads to immorality.

10.—That these marriages are permitted in all other parts of the Empire, and consequently the prohibition in Great Britain leads to much scandal and inconvenience.

On the other side, the legalisation of such marriages is withheld on the grounds :—

1.—That the Levitical Law, and the Church, in consequence of her interpretation of the Levitical Law, forbids such marriages, and her prohibition should be binding.

2.—(a) That kinship by marriage is equivalent to kinship by blood, and any concession would lead to further demands for relaxation of the prohibited degrees of affinity.

(b) That one relaxation in the marriage laws would certainly lead to others, and morality would suffer.

(c) That the restrictions on marriage are a mark of civilization, and to diminish them would be a step backwards towards barbarism.

3.—(a) That it is the province of the law to save men from annoyance as well as to secure their rights; and great discomforts would arise from the legalisation of these marriages.

(b) That it would cause jealousy and rivalry between the sister and the wife, and would lead to social inconvenience and loss of pleasurable social intercourse.

(c) That, except by the marriage, it would render the care of the deceased sister's children impossible by the sister-in-law, a very common and most natural arrangement ; while marriage may raise up rival claimants for her affections nearer and dearer to her.

4.—That the change in the law is demanded merely by those, who having already broken it, wish to be absolved from the consequences of their illegal action.

SUNDAY OPENING OF MUSEUMS, &c.

IT is proposed to legalise the opening of all National or Local Museums, Picture Galleries, &c., on Sundays,* on the grounds:—

1.—That as all contribute towards the maintenance of these buildings, it is unfair to close them on the only day on which the mass of the people can visit them.

2.—(a) That the contemplation of works of art and interest, &c., has a refining, elevating, and educating effect on the mind, and would be to the moral, mental and social advantage of the people.

(b) That the superiority which foreign operatives possess over the English in matters of taste and fine workmanship, is largely due to the opportunities the former possess of contemplating and studying works of art, &c.

3.—(a) That the opening of these buildings would constitute for the working classes, who alone are really affected, a powerful counter attraction to the public-house—at present the only place of resort open to the working man upon his only holiday.

(b) That more especially would it tend towards improved family relations, all the members could with advantage visit the galleries, &c., together.

4.—(a) That anything which tends to increase the innocent enjoyments of life should be encouraged.

* It is usually proposed to open them only after 1 o'clock, so as not to interfere with morning service.

(b) That more especially is it to the interests of religion and morality that Sunday should be made brighter and pleasanter—a day of recreation and reasonable enjoyment, not one of gloom and inanity.

5.—(a) That the religious scruples of some should not stand in the way of the innocent enjoyment of others ; none need frequent these places unless they choose.

(b) That the Divine injunction to the Hebrews to rest on the Saturday, can hardly be taken to imply that we may not contemplate works of art on the Sunday.

6.—(a) That the opening of these public buildings on Sunday would in no way tend towards the desecration of the Sabbath—there is a vast difference between throwing open public buildings, and legalising the opening of speculative places of entertainment.

7.—(a) That the so-called “continental” Sunday is due entirely to the general habits and manners of the people who indulge in them, and would in no way be attained or approached by the opening of Museums, &c., in England.

(b) That the working classes, through their Trades Unions and in other ways, are quite able to protect themselves from any imposition of Sunday labour.

8.—(a) That the number of people who would be required to work on Sunday, in consequence of the opening of these buildings, would be insignificant, and would add very few to those who, for the pleasure or convenience of the public, are now obliged to work on that day.

(b) That therefore there would be no increased tendency towards Sunday labour.

(c) That the gain to the many should outweigh the inconvenience to the few.

9.—That in many places Sunday opening has been locally tried, and with great success.

On the other hand, the proposal is opposed on the grounds:—

1.—That it would be contrary to the Divine injunction that we should rest on the Sabbath.

2.—(a) That the proposal is only the thin end of the wedge; if “free” places are thrown open on Sunday, theatres and speculative places of amusement would soon be also opened on that day, and the British Sunday would gradually tend to become “Continental.”

(b) That consequently the working classes would ultimately be expected to work seven days a week—probably without any increase in wages.

(c) That the absolute rest on one day in seven has greatly benefited the nation physically, morally, and mentally.

3.—That the argument for a universal half holiday on the Saturday would be weakened, if the Sunday were available for visiting the galleries, &c.: and this would be calamitous.

4.—(a) That those who would visit these places, are not those who frequent public-houses on Sunday—no counter-attraction to the public-house would therefore be constituted.

(b) That, on the other hand, those who were attracted from a distance to visit the collections, would be perchance constrained to enter the public-houses in order to obtain necessary refreshment.

5.—(a) That in any case it would involve a large amount of work on Sunday on the part of the custodians of these buildings, and it is unfair to demand such labour from some merely to give pleasure to others.

(b) That the tendency of the time is to reduce Sunday labour as far as possible—witness the suspension of the Sunday post in London, &c.—not to increase it.

6.—That where a Sunday opening has been tried by local

bodies, the experiment has been so unsuccessful that the Collections have usually again been closed.

7.—That even if it be in the abstract advisable, such a change should not be undertaken without the manifest wish of the vast majority of the working classes—who alone would be affected—and at present the majority are opposed to the opening.

8.—That no educational advantage is gained by uninstructed gazing at pictures and works of art; the opening on Sunday would have to be followed by instruction on Sunday.

CREMATION.

It is proposed to encourage, to regulate, and to control Cremation* by placing crematoriums under the control of the Home Secretary, to be carried on under regulations made by him. A certificate of the cause of death is to be produced before cremation can take place, and an independent inspection of the body is to be made by an official.

The adoption of this proposal is supported on the grounds :—

1.—(a) That the living ought to be considered rather than the dead ; and the present system of burial is injurious to human life, by overcrowding the graveyards, by permeating them and their environs with noxious matter and gases.

(b) That, especially at a time of epidemic, the careless burial of an infected body is likely to lead to a spread of disease—while it is just then that great care in burial cannot and will not be taken.

2.—(a) That the formation of burial-grounds is becoming a very serious and increasing difficulty in populous places.

* A legal decision was given in 1884 that it is lawful to cremate a dead body, and that cremation cannot be interfered with except it be carried on in such a way as to make it a public nuisance.

(b) That a vast number of graveyards which used to be extra-mural, are now surrounded by houses.

3.—That no form of burial can do more than retard decomposition: the process in any case is practically identical. But cremation is purification, while ordinary burial is putrefaction—a quick-burning fire against slow decay.

4.—That though the richer classes can obtain decent interment, the burial-grounds of the poor (in populous places) are too often mere pits of putridity. The poor are buried in very perishable coffins, which are scarcely separated from one another, are barely covered with earth, and are dug up again before final absorption.

5.—(a) That there is nothing unseemly about cremation if carried out under proper regulations; the “frosted silver crystals” to which the body would be reduced, are not offensive, and could be preserved.

(b) That cremation could be carried out with perfect decorum, and in harmony with religious sentiment, and accompanied with religious services.

(c) That public sentiment would not be shocked; and even if public prejudice were at first offended, it would soon be overcome, and the advantages of cremation would be speedily recognised.

(d) That great stumbling-blocks * have been thrown in the way of the utilization of existing crematoriums; the small use made of them is therefore no criterion of the popularity to which they would attain under proper regulations and with legitimate encouragement.

6.—That while doubtless there is much legitimate sentiment about a family graveyard and a village church,

* A late Home Secretary — Lord Cross — acknowledged in debate, April, 1884, that when at the Home Office he had (illegally) endeavoured, at the Wokingham Crematorium, to prevent cremation taking place.

this sentiment is necessarily absent when the remains have to be conveyed to a distant cemetery and placed among strangers, with none to care for or reverence the grave.

7.—(a) That the proposal is purely permissive—no one need be cremated against their own will, or that of their relatives ; while it is eminently selfish to refuse guaranteed for decency and propriety to those who, by themselves or their relatives, desire to be cremated.

(b) That all that is desired is that cremation should be regulated, improved, and licensed. Cremation ought to be either regulated or prohibited, at present it is permitted but not regulated.

8.—(a) That cremation would not encourage poisoning or foul play. On the contrary, the stringent regulations proposed would deter malefactors from attempting to have the bodies of their victims cremated, for by reason of the necessary certificates, and the independent examination required, a case of poisoning or of violence would run great risk of detection.

(b) That at present the burial laws are so defective, that 30,000 persons—chiefly children—are buried each year without proper death certificates, or any certificate at all, and thus poisoning and foul play are encouraged.

(c) That in any case of suspicious circumstances—or always, if thought advisable—it would be easy to retain the viscera for subsequent analysis.

(d) That the detection of organic poisons is under all circumstances very difficult and uncertain, while the mineral poisons would still be easily detected.

(e) That arsenic, though partly consumed by fire, still retains ample matter for analysis and detection.

(f) That the putrefying body itself forms certain poisons, while it also chemically acts on most poisons ; so that, even a short time after death, it is difficult accurately to ascertain

by physiological tests the presence of the actual poison that may have occasioned death.

9.—That at present bodies are very seldom exhumed.

10.—That with cremation detection may occasionally be baffled, but this result often occurs under the present system.

On the other hand it is urged :—

1.—(a) That public experience and opinion, sentiment and associations, are wholly opposed to cremation ; it would be repugnant to public taste as a supposed sacrilege, and violation of the tomb.

(b) That more especially among the poorer classes, the belief in the actual resurrection of the body would either make cremation seem a dangerous heresy, or would itself be shaken.

2.—That it is useless to legislate for a reform of which no one would avail themselves. The existing crematoriums have practically not been used at all—thus proving that public opinion is decidedly against cremation.

3.—That there is no real difficulty in finding sufficient burial ground ; the amount of space required is an infinitesimal fraction of the available land, while after a few years the burial grounds become re-available.

4.—That the danger to health of existing graveyards is much exaggerated, and is practically non-existent.

5.—(a) That cremation would greatly facilitate and encourage poisoning and foul play by preventing subsequent exhumation and detection. The murderer would feel perfectly safe after cremation had taken place.

(b) That it is not the actual exhumation, but the knowledge that exhumation may take place, which checks poisoning, &c.

(c) That even if poison were discovered after cremation,

authentic identification of the body, and subsequent conviction of the poisoner, would be almost impossible.

(d) That "poisoning by arsenic is one of the commonest things in the world;"* and arsenic is largely dissolved by fire, only a very small trace remaining.

(e) That all traces of violence would be destroyed by cremation.

(f) That public opinion would never tolerate the disembowelling of all the dead for the purpose of possible detection of poisoning in some cases; and suspicion of foul play often does not arise until some time after death.

(g) That the proposed special inspection of the body would be perfectly illusory; without a post-mortem examination it would not as a rule be of any use, and this could not be obtained without considerable expense; and where suspicion was already aroused the inspection would be superfluous.

(h) That even if poisoning and foul play were not actually encouraged, the public would believe that they were, and a sense of danger and insecurity would be thereby engendered.

6.—That in India and elsewhere, where cremation takes place, poisoning is known to be of very frequent occurrence.

7.—That while it may be advisable and necessary to amend the laws relating to burial, and to require more stringent regulations, &c., this is a matter wholly apart from the question of cremation.

8.—That while cremation used at one time in the world's history largely to prevail in civilised countries, for the last fifteen hundred years it has been practically extinct—proving that experience and opinion are opposed to it.

* Sir W. Harcourt, then Home Secretary, in Cremation debate, April 30th, 1884.

9.—That the Home Secretary has already far too many duties to perform, and to place on him the duties and responsibilities of controlling crematoriums would be to overtax his office.

JN 221
1888



PRIME MINISTERS SINCE 1783.

DATE.	PRIME MINISTER.
Dec., 1783	WILLIAM Pitt.
March, 1801	HENRY ADDINGTON (LORD SIDMOUTH).
May, 1804	WILLIAM Pitt.
Feb., 1806	LORD GRANVILLE.
March, 1807	DUKE OF PORTLAND.
Nov., } 1809	SPENCER PERCIVAL.
Dec., } 1809	
May, } 1812	EARL OF LIVERPOOL.
June, } 1812	
April, 1827	GEORGE CANNING.
Aug., 1827	VISCOUNT GODERICH.
Jan., 1828	DUKE OF WELLINGTON.
Nov., 1830	EARL GREY.
May, 1832	"
July, 1834	VISCOUNT MELBOURNE.
Dec., 1834	SIR ROBERT PEEL.
April, 1835	VISCOUNT MELBOURNE.
Aug., 1839	" "
Aug., } 1841	SIR ROBERT PEEL.
Sep., } 1841	
July, 1846	LORD JOHN RUSSELL.
March, 1851	" "
Feb., 1852	EARL OF DERBY.
Dec., 1852	EARL OF ABERDEEN.
March, 1855	VISCOUNT PALMERSTON.
Oct., 1865	EARL RUSSELL.
July, 1866	EARL OF DERBY.
Feb., 1868	B. DISRAELI.
Dec., 1868	W. E. GLADSTONE
Aug., 1873	" "
Feb., 1874	B. DISRAELI (EARL OF BEACONSFIELD)
April, 1880	W. E. GLADSTONE.
July, 1885	MARQUIS OF SALISBURY.
Jan., 1886	W. E. GLADSTONE.
July, 1886	MARQUIS OF SALISBURY.

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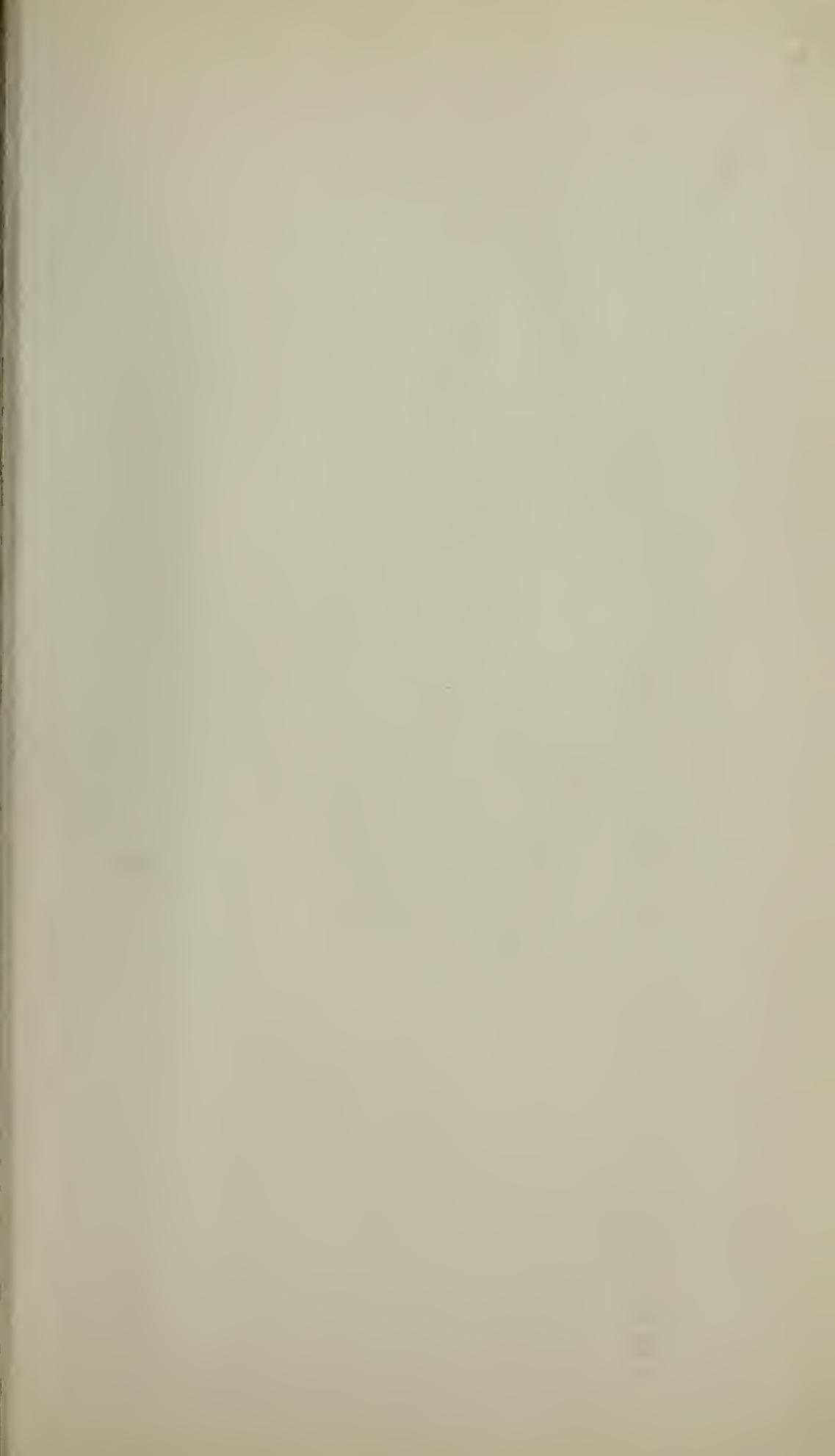
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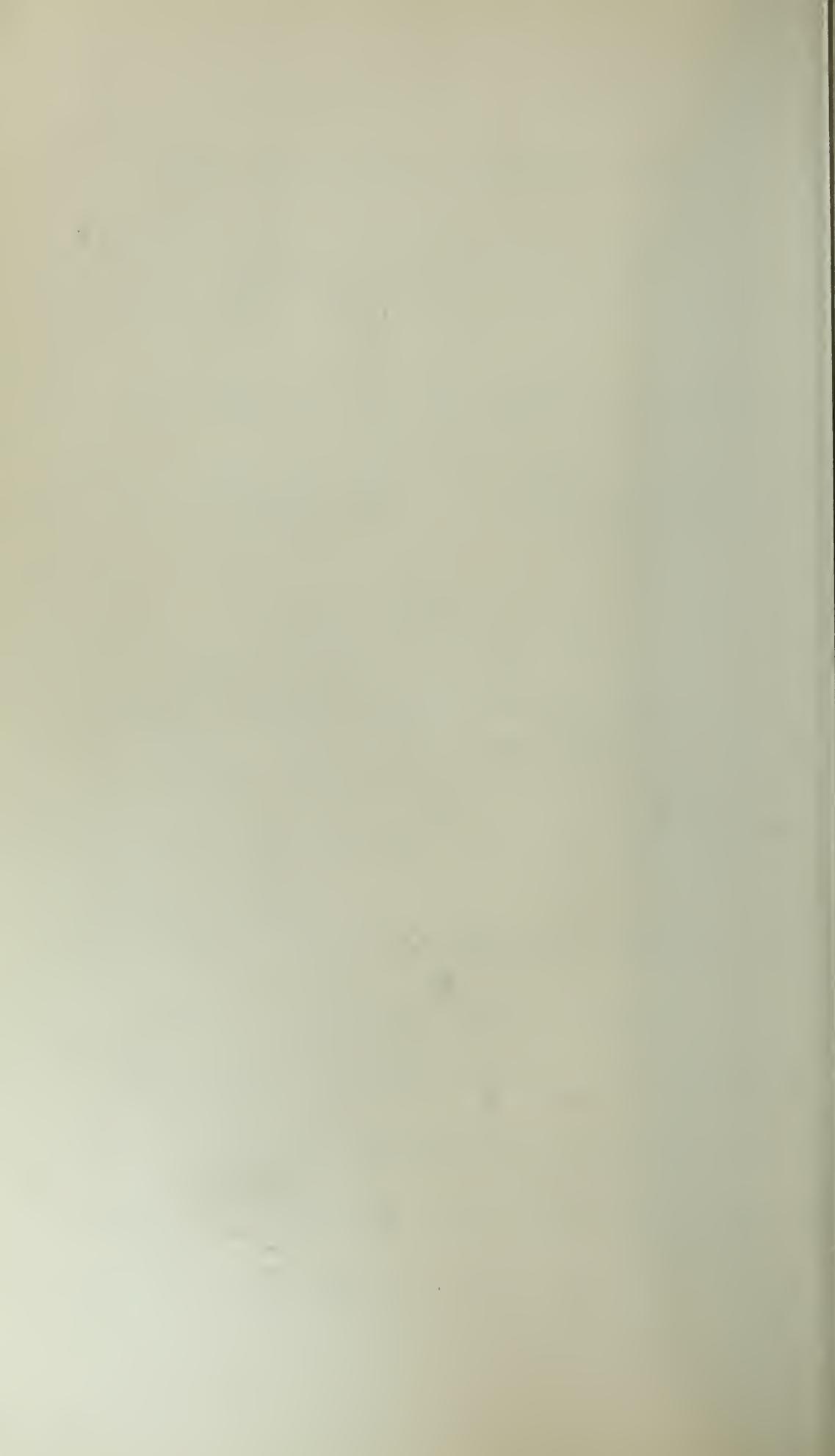
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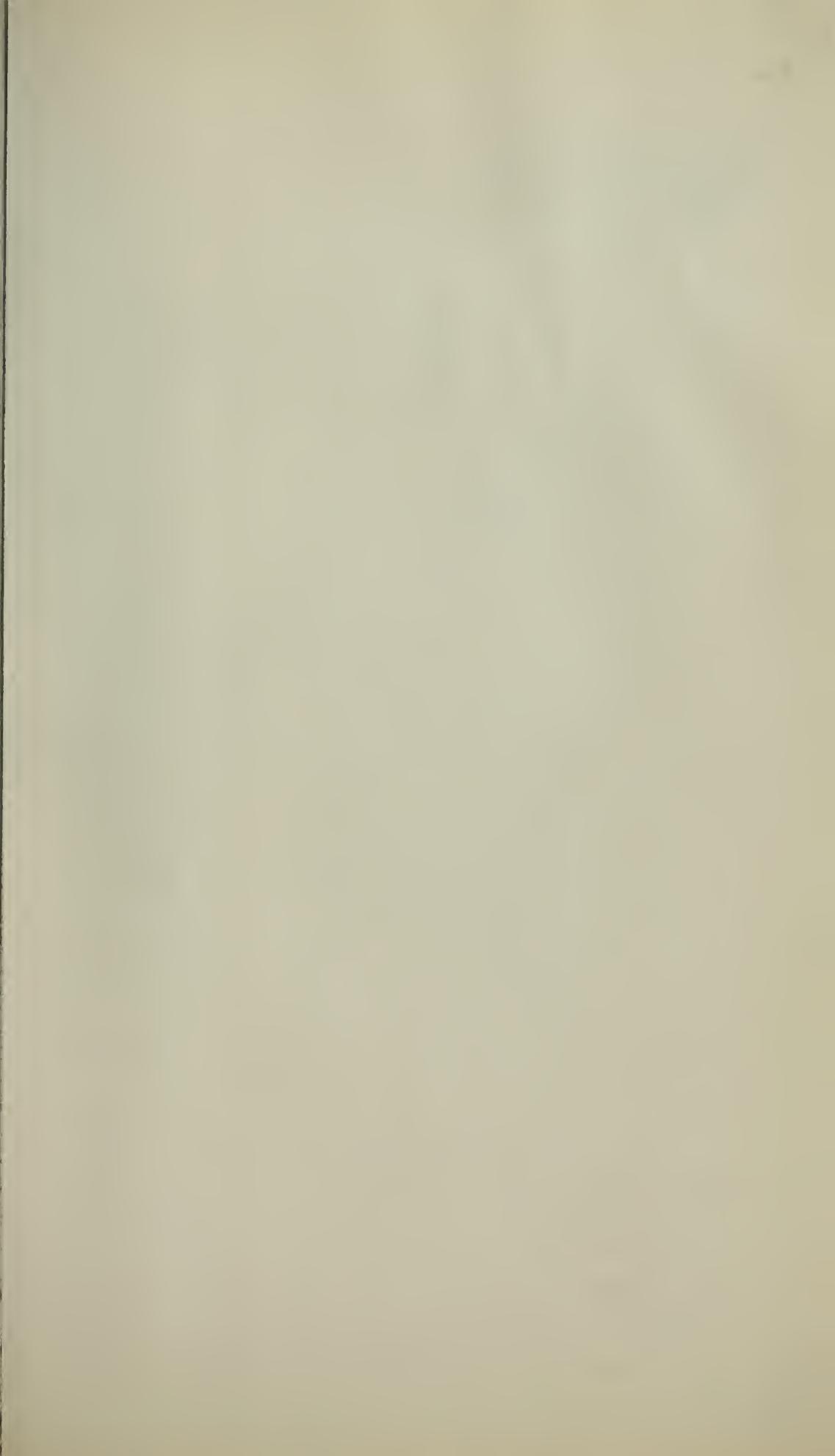
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